



Transmittal Letter No. 77

TO: Early Care and Education Stakeholders

FROM: Kara B. Wente, Director

DATE: June 18, 2026

SUBJECT: Five-Year Review of School-Based Preschool Program Rules

Background

The Department of Children and Youth (DCY) is changing Ohio Administrative Code (OAC) school-based preschool program rules as part of the five-year review process. The licensing rules below have been reviewed to ensure that DCY is only mandating essential health and safety requirements. The rules included in the five-year review are as follows: 5180-37-01, 5180-37-02, 5180-37-03, 5180-37-05, 5180-37-06, 5180-37-07, 5180-37-08, 5180-37-09, 5180-37-10, 5180-37-11, and 5180-37-12. For organizational reasons, these school-based preschool program rules are being rescinded and adopted under the following new numbers: 5180:2-20-01, 5180:2-20-02, 5180:2-20-03, 5180:2-20-05, 5180:2-20-06, 5180:2-20-07, 5180:2-20-08, 5180:2-20-09, 5180:2-20-10, 5180:2-20-11, and 5180:2-20-12.

The DCY rules in the OAC were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135th General Assembly.

These rules will be effective on July 1, 2026.

Purpose

DCY is rescinding and adopting the following rules, updating references to DCY, converting the Chapter to question and answer format (with the exception of rule 5180:2-20-01), and proposing the following amendments. Throughout the rules, the Ohio child licensing and quality system (OCLQS) is being referred to as the Ohio statewide licensing system.

OAC 5180-37-01 → OAC 5180:2-20-01 "Definitions" is being rescinded and adopted as a new rule and defines terms used throughout Chapter 5180:2-20 of the Ohio Administrative Code.



- Revised the following definitions: Director, Individualized education program (IEP), Lead teacher, Parent, guardian or custodian, Preschool program, and Volunteer.
- Added the following definitions: Administrator, Corrective action plan, Employee, Individualized family service plan (IFSP), Moderate risk non-compliance (MRNC), Ohio statewide licensing system, School building, Serious risk non-compliance (SRNC), Visitor and Voluntary temporary closure.
- Removed the following definitions: First-aid training and Handwashing facility as they are already defined in rule.

OAC 5180-37-02 → OAC 5180:2-20-02 "Compliance and investigation" is being rescinded and adopted as a new rule and outlines compliance and complaint inspections for licensed school-based preschool programs.

- Clarified that an electronic license application is to be completed in the Ohio statewide licensing system.
- Clarified that preschool programs serving only children ages two and one half years and older are exempt from the building inspection requirement.
- Added that the applicant is to submit a detailed and labeled site plan document upon application for a license.
- Clarified the length of provisional and continuous licenses in accordance with section 3301.58 of the Revised Code.
- Clarified the process to change or amend a preschool license, including timelines for requesting amendments.
- Added the process for requesting a voluntary temporary closure "inactive" status for the preschool license.
- Clarified required compliance inspections.
- Clarified requirements for preschools accepting public funds.
- Amended the process for submitting a request for review of a non-compliance finding.
- Added the circumstances where DCY will elect to ministerially close a preschool license.
- Added the following definition for a licensing non-compliance: A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings. Non-compliance findings vary depending on the potential to lead to a risk of harm to a child and are observable and/or based on



facts. Non-compliances are assigned point values, and the annual accumulated points may result in DCY licensing or Step Up To Quality actions.

- Added point values for moderate risk non-compliances (3) and serious risk non-compliances (6).
- Added the list of "moderate risk" non-compliance (MRNC) findings.
- Added "illegal drugs on the premises" to the existing list of SRNC findings.
- Moved SRNC "use of prohibited disciplinary techniques" to a MRNC to align the finding across all DCY program types.
- Clarified the meaning of serious incident, the process for reporting a serious incident to DCY and added the requirement for preschool programs to notify parents when a serious incident occurs.

OAC 5180-37-03 → OAC 5180:2-20-03 "Program" is being rescinded and adopted as a new rule and outlines requirements for the preschool program philosophy, daily schedule, progress reporting, and communicating policies and procedures to parents. No substantive amendments have been made to rule content.

OAC 5180-37-05 → OAC 5180:2-20-05 "Facility" is being rescinded and adopted as a new rule and outlines requirements for the physical space used by licensed preschool programs.

- Clarified that the program is to have a working phone and a backup form of communication while preschool is session.
- Clarified that preschool programs are to protect children under six months from direct exposure to the sun and provide sun protection for all children.

OAC 5180-37-06 → OAC 5180:2-20-06 "Equipment and supplies" is being rescinded and adopted as a new rule and outlines requirements for the equipment and materials used by licensed preschool programs.

- Clarified that general-use trampolines are prohibited; however, individual-use, personal-sized therapy trampolines no larger than forty-eight inches in diameter may be used by children under direct supervision.
- Clarified first-aid kit requirements by adding a list of minimum supplies.
- Clarified requirements for crib sleeping by reorganizing paragraphs for easier reading, adding clarification for crib placement, and removing blankets and top sheets within cribs.
- Clarified and added safe infant sleep requirements to this rule including: prohibiting stacked cribs; prohibiting objects within the cribs which could pose a



strangulation or suffocation risk; and ensuring that infants are placed on their backs to sleep unless written authorization is provided on the DCY 01235 "Sleep Position Waiver Statement for Child Care" form or an equivalent document.

OAC 5180-37-07 → OAC 5180:2-20-07 "Policies and procedures" is being rescinded and adopted as a new rule and outlines the general policies that the preschool program is to develop and follow.

- Staff policy- Removed the requirement to include procedures for checking references of potential employees.
- Health and safety policies and procedures-
 - Clarified adopting and following an emergency preparedness and response plan (EPRP) and described the criteria for an EPRP.
 - Clarified EPRP staff training and annual review requirements.
 - Added that, for school-based preschools, a written safety plan adopted in accordance with section 5502.262 of the Revised Code and filed with the Ohio school safety center meets the EPRP requirements of rule 5180:2-12-16.
 - Clarified that the preschool is to post emergency medical and dental procedures and emergency phone numbers for view by school personnel, children and parents.
 - Added that parent permission is not required for lip balm use or for using hand sanitizer with children older than twenty-four months.
- Management of communicable diseases and safety policy- Simplified this rule language, since the requirements are detailed in rules 5180:2-20-04 and 5180:2-20-11 of the Ohio Administrative Code.
- Safe infant sleep and crib safety policy- Simplified this rule language, since the requirements are detailed in rule 5180:2-20-06.

OAC 5180-37-08 → OAC 5180:2-20-08 "Child information" is being rescinded and adopted as a new rule and outlines requirements for child information to be obtained and used by licensed preschool programs.

- Removed the child medical examination/physician statement requirement. Children are to provide immunization records, at a minimum.
- Added that attendance may be documented in paper form or through electronic records.
- Removed the requirement to maintain a log of injury reports.



- Amended the process for child incident/injury reporting to include the use of the DCY 01299 "Incident/Injury Report For Child Care" or an electronic equivalent version.
- Added record retention requirements if the program is using the paper DCY 01299 form.

OAC 5180-37-09 → OAC 5180:2-20-09 "School food services" is being rescinded and adopted as a new rule and outlines requirements for meals and snacks provided by licensed preschool programs.

- Clarified that meals must contain food from each of the five food groups.
- Updated food group terminology to align with federal standards: the five basic food groups include protein, grain, fruit, vegetable, and dairy.

OAC 5180-37-10 → OAC 5180:2-20-10 "Child guidance" is being rescinded and adopted as a new rule and outlines requirements for child guidance provided by licensed preschool programs.

- Reorganized the requirements for communicating the written child guidance policy to parents and staff members.
- Clarified that whenever preschool staff make a report that a child has been abused or neglected, the preschool program is to notify DCY in the Ohio statewide licensing system as a serious incident.
- Reorganized and clarified the requirement for child behavior management plans by stating that the behavior management plan is also to be consistent with the child's individualized family service plan (IFSP), individualized education program (IEP), or 504 plan, if applicable.
- Added that when a child is expelled from the preschool for a behavioral reason, the expulsion is to be reported to DCY in the Ohio statewide licensing system.

OAC 5180-37-11 → OAC 5180:2-20-11 "Management of communicable disease" is being rescinded and adopted as a new rule and outlines requirements preschools to monitor and manage communicable disease in the program.

- Clarified the DCY 08087 form number of the "Communicable Disease Chart."
- Clarified that the DCY 08087 is to be posted in full-size.

OAC 5180-37-12 → OAC 5180:2-20-12 "Diapering" is being rescinded and adopted as a new rule and outlines requirements for diaper changing and storage of clean and soiled diapers.



No substantive amendments have been made to rule content.

Implementation

- The effective date of the rules is July 1, 2026.
- Field Guides have been developed to help programs maintain compliance with the rules. These guides will be posted soon at the following link: [Resources | Department of Children and Youth](#).
- Revised forms are not required for children currently enrolled; the new versions will be required when they need updated or a new one is required.

Rules/Forms

The chart indicates the impacted OAC rules, transmittal letters, and/or forms. The most recent version of all DCY forms referenced in this letter can be accessed through [Forms Central](#).

OAC Rules	Previous Transmittal Letter	DCY Forms
Rescind 5180-37-01 → 5180:2-20-01 New Rescind 5180-37-02 → 5180:2-20-02 New Rescind 5180-37-03 → 5180:2-20-03 New Rescind 5180-37-05 → 5180:2-20-05 New Rescind 5180-37-06 → 5180:2-20-06 New Rescind 5180-37-07 → 5180:2-20-07 New Rescind 5180-37-08 → 5180:2-20-08 New Rescind 5180-37-09 → 5180:2-20-09 New Rescind 5180-37-10 → 5180:2-20-10 New Rescind 5180-37-11 → 5180:2-20-11 New Rescind 5180-37-12 → 5180:2-20-12 New	N/A	Sample: • DCY 01235 "Sleep Position Waiver Statement for Child Care" • DCY 01299 "Incident/Injury Report for Child Care"

5180:2-20-01 **Definitions.**

As used in this chapter:

- (A) "Administrator" means a director or the director's designee who performs administrator duties in this chapter. The responsibility for the daily operation of the preschool program remains with the director.
- (B) "Adult" means a person who is at least eighteen years of age.
- (C) "Advanced practice registered nurse" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under Chapter 4723. of the Revised Code.
- (D) "Alignment" means the coherence and correlation of the curriculum and assessments to standards.
- (E) "Career pathways model" has the same meaning as in section 5104.01 of the Revised Code.
- (F) "Class" means a group of children enrolled in the preschool program.
- (G) "Community school" has the same meaning as in section 3301.52 of the Revised Code.
- (H) "Corrective action plan" describes the action taken by the program to correct a non-compliance. This plan does not confirm the program is in compliance with the rule, or negate the non-compliance finding. Corrective action plans are submitted in the Ohio statewide licensing system and are to be completed in their entirety to be approved.
- (I) "Crib" means a full sized crib or portable crib either of which meets the federal standards located at 16 CFR 1219.1 to 1220.2 (June 2011, cpsc.gov) and is appropriate to the size of the child.
- (J) "Curriculum" means an organized framework that describes those components of developmentally appropriate practice necessary to support optimum development and learning including the following:
 - (1) Classroom environment.
 - (2) Concepts and skills in all content areas and developmental domains.
 - (3) Learning experiences.
 - (4) Instructional strategies to help children achieve their goals.

(5) Assessment processes to inform instruction to monitor progress.

(K) "Department" means the Ohio department of children and youth (DCY).

(L) "Developmentally appropriate" means curriculum, instruction, environments, and age-appropriate activities that reflect the cognitive, social, and emotional level of the learner and also includes the unique abilities or characteristics of a learner or group of learners including learners with disabilities, unique ethnic and/or cultural characteristics, and unique life experiences.

(M) "Director" has the same meaning as in section 3301.52 of the Revised Code. In addition, "director" means the lead teacher, elementary principal or site administrator who is the individual on-site and is responsible for supervision of a preschool program, and may be used to meet child-to-staff ratio. In reference to Chapter 5180:2-12 of the Administrative Code, "director" has the same meaning as "administrator."

(N) "Early learning program and development standards" means the department's framework for preschool programs to address outcomes and goals considered essential for children's learning and health development as referenced in section 5104.29 of the Revised Code.

(O) "Education management information system (EMIS)" is a statewide data collection system for Ohio's primary and secondary education, including demographic information, attendance, course information, financial data, and test results.

(P) "Eligible nonpublic school" has the same meaning as in section 3301.52 of the Revised Code.

(Q) "Employee" means an individual who receives compensation for duties performed in a licensed preschool; or who is assigned specific working hours or duties in a licensed preschool program. This includes contracted employees or self-employed individuals who are compensated by the program and who have unsupervised access to children in the program.

(R) "Facility" means a building that is owned or leased and operated by the school district, educational service center, joint vocational school, career technical school, county board of developmental disabilities, community school, or eligible nonpublic school and has been approved by a municipal, township, or county or state building department for the purpose of operating a program for preschool children.

(S) "Governing body" means a board of education for a school district, an educational service center or county board of developmental disabilities; or the group of persons who have similar authority over a community school or nonpublic school program.

- (T) "Group size" means the number of children assigned to a lead teacher in a classroom.
- (U) "Head start" means a federally funded school readiness program for children ages birth to five from low-income families. Head start provides comprehensive services that support children's growth and development. Head start programs include licensed programs that receive head start funding as a grantee, delegate, partnership, or collaboration.
- (V) "Individualized education program (IEP)" means an individualized education program as developed in accordance with rule 3301-51-07 of the Administrative Code or a "504 plan" developed under section 504 of the Rehabilitation Act of 1973.
- (W) "Individualized family service plan (IFSP)" means the written plan for providing early intervention services to an eligible child under the age of three and the child's family as developed in accordance with rule 5180-10-02 of the Administrative Code.
- (X) "Infant" means a child who is less than eighteen months of age.
- (Y) "Lead teacher" means a person hired to guide and instruct a class of preschool children enrolled in the program and who may supervise the preschool program. "Lead teacher" has the same meaning as all references to "head teacher" in Chapter 3301.
- (Z) "Moderate risk non-compliance (MRNC)" means a licensure rule violation that has the potential to lead to an increased risk of harm to, or death of, a child and is observable and/or based on facts.
- (AA) "Non-ambulatory child" means any child who is unable to leave a building unassisted under emergency conditions; unable to walk forward or backward unassisted; unable to go up or down steps without help; and/or dependent upon mechanical aids such as crutches, walkers, and wheelchairs.
- (BB) "Ohio professional registry (OPR)" is an online professional development tool for Ohio's early childhood and afterschool professionals.
- (CC) "Ohio statewide licensing system" is the DCY system for tracking child care program licensing and Step Up To Quality functions and activities.
- (DD) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child.
- (EE) "Policies" mean principles governing the operation of the preschool program. Policies shall be established and adopted by the program's governing body.

- (FF) "Preschool child" has the same meaning as in section 3301.52 of the Revised Code.
- (GG) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.
- (HH) "Preschool program" has the same meaning as in section 3301.52 of the Revised Code. For the purposes of this chapter, "preschool" or "program" have the same meaning as "preschool program."
- (II) "Preschool staff member" means a preschool program employee whose primary responsibility is care, teaching, or supervision of preschool children and who is used to meet child-to-staff ratio requirements.
- (JJ) "Procedures" means an administrative course of action specified in writing.
- (KK) "Public school" means a school operated by a board of education of a city, county, exempted village, local, joint vocational school district, a county board of developmental disabilities, community school, or an educational service center governing body.
- (LL) "Publicly funded" means any funding received from DCY to operate a preschool program.
- (MM) "School-age child" means a child who is kindergarten or age six and of compulsory school age according to the entry date determined by the school district in section 3321.01 of the Revised Code.
- (NN) "School building" has the same meaning and meets the requirements in section 3301.55 of the Revised Code.
- (OO) "Serious risk non-compliance (SRNC)" means a licensure rule violation that has the potential to lead to a great risk of harm to, or death of, a child and is observable and/or based on facts.
- (PP) "Toddler" means a child who is at least eighteen months of age but less than three years of age.
- (QQ) "Visitor" means an individual who is not considered an employee but may be temporarily present in the program. A visitor does not have assigned duties, is not used in ratio, or left alone with children.
- (RR) "Voluntary temporary closure" means the program requests to stop serving children but not close the license. A voluntary temporary closure shall not exceed twelve months.

(SS) "Volunteer" means an individual who is not considered an employee. A volunteer may have duties but is not compensated not counted in ratio, and is not left alone with children.

Replaces: 5180-37-01
Effective: 7/1/2026
Five Year Review (FYR) 07/01/2031
Dates:

CERTIFIED ELECTRONICALLY

Certification

06/18/2026

Date

Promulgated 119.03
Under:
Statutory Authority: 3301.53
Rule Amplifies: 3301.52, 3301.53, 3301.531, 3301.54, 3301.541,
3301.55, 3301.56, 3301.57, 3301.58, 3301.59
Prior Effective 08/05/1988, 05/28/2004, 06/25/2009, 09/25/2010,
Dates: 07/03/2014, 07/01/2021

5180:2-20-02 **Compliance and investigation.**

(A) What is the process to establish or operate a preschool licensed by the Ohio department of children and youth (DCY)?

Boards of education intending to establish a preschool must demonstrate a need for a preschool program. No school district board of education, county board of developmental disabilities, or governing boards of educational service center, community school or eligible non-public school shall operate, establish, manage, conduct or maintain a preschool program, including head start, without a license issued under sections 3301.52 to 3301.59 of the Revised Code and this chapter.

(B) What is the requirement for preschools to report students in the education management information system (EMIS)?

All EMIS reporting entities that have been issued a license to operate a preschool program are to report all preschool children being educated by the entity as outlined in section 3301.0714 of the Revised Code using guidelines established by the Ohio department of education and workforce (DEW).

(C) Which programs operated by the county board of developmental disabilities are to be licensed?

Programs operated by county boards of developmental disabilities are to follow the age group requirements for DCY licensure below:

(1) Programs operated for children under the age of three are not required to be licensed through DCY.

(2) Programs operated for preschool children are required to be licensed through DCY.

(D) What is the application process for licensing a preschool?

The requirements for the application to operate a preschool are as follows:

(1) Completion of an electronic application in the Ohio statewide licensing system.

(2) Submission of the application at least thirty days prior to the proposed open date and prior to children attending.

(3) Submission of the following documents:

(a) Certificate of occupancy indicating that the school building has been inspected in accordance with section 3301.55 of the Revised Code.

Programs serving only children ages two and one half years and older are exempt from this requirement.

(b) A current fire inspection in accordance with section 3301.55 of the Revised Code.

(c) A valid food license or a valid food license exemption from the local health department having jurisdiction or from the Ohio department of health.

(d) A detailed and labeled site plan that includes an indoor floor plan of the space proposed to be used by preschool children and an outdoor play space diagram that includes the space used by the preschool.

(E) What are the preschool governing body's operational responsibilities?

The governing body responsible for the preschool program's operation shall be responsible for:

(1) Securing and maintaining a license for the facility in which the preschool program operates.

(2) Maintaining the program's services, months, days and operating hours in the Ohio statewide licensing system.

(F) How long is a license valid for a DCY licensed preschool program?

In accordance with section 3301.58 of the Revised Code, preschool programs are first issued a provisional license, valid for one year, and then a continuous license is issued. The continuous license remains in effect unless revoked.

(G) What is the process to change or amend a preschool license?

(1) The preschool is to submit a request and all applicable documents in the Ohio statewide licensing system.

(2) What information can be amended on an existing license?

(a) License capacity.

(b) Change of location of the program.

(3) What is the timeline for requesting an amendment?

(a) For a change in capacity, the preschool shall request and be approved for the amendment prior to serving additional children. This includes

submitting all corrective action plans required pursuant to rule 5180:2-12-03 of the Administrative Code.

(b) For a change in location, the preschool shall request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care shall not begin until the license has been transferred to the new location.

(4) An organization that will no longer be operating a preschool program is responsible for submitting a closure request to DCY.

(H) How shall a governing body request a voluntary temporary closure for the license of a preschool?

(1) The governing body is to request the temporary closure status in the Ohio statewide licensing system. The program license will then be considered "inactive" in the system.

(2) The temporary closure "inactive" status shall not exceed twelve months.

(3) The preschool shall not serve any children during the temporary closure "inactive" status.

(4) The preschool may be required to comply with an inspection prior to the end of the temporary closure "inactive" status and prior to serving children again.

(I) What compliance inspections are required for preschools?

Programs will receive:

(1) At least one inspection prior to the initial issuance of a provisional license.

(2) At least two inspections during the provisional period.

(3) At least one inspection each state fiscal year after the issuance of the continuous license. Compliance inspections completed in the state fiscal year pursuant to paragraph (I)(2) of this rule meet this requirement.

(4) Any complaint investigations involving the preschool.

(5) All inspections may be and at least one inspection will be unannounced in a twelve month period.

(J) How is data collected during a license inspection used?

Data collected during a licensing inspection may be used in other inspections conducted by DCY regarding specific program performance standards.

(K) What is submitted upon request to DCY?

Records and reports related to the program shall be submitted as requested to DCY.

(L) What are the requirements for preschools accepting public funds?

Publicly funded programs must achieve a step up to quality (SUTQ) rating as defined under section 5104.29 of the Revised Code, unless the preschool meets an exemption listed in rule 5180:2-16-09 of the Administrative Code.

(M) Does the preschool license need to be visible?

The preschool license is to be posted in a conspicuous place and visible to the public at all times.

(N) How may preschool program inspection reports and licensing records be viewed or requested?

(1) Inspections may be viewed using the child care search tool on the DCY website.

(2) An individual may submit a written request to DCY for a copy of the program's licensing record.

(3) The preschool program may request a review of a licensing non-compliance finding by submitting a request to DCY in the Ohio statewide licensing system within ten business days of receiving a compliance report.

(O) How are complaints and reports about preschool program operations reported?

All complaints and reports concerning the operation of programs regulated by this chapter of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code, shall be reported to DCY.

(P) Which licensing actions by DCY give the preschool program rights to an adjudicatory hearing, in accordance with the requirements of Chapter 119. of the Revised Code?

(1) All actions of DCY with respect to licensing a preschool program site, refusal to license or revocation of a license, shall be in conformity with sections 3301.57 and 3301.58 and Chapter 119. of the Revised Code.

(2) Those licensing actions, which will be afforded the right to an administrative hearing, include the following:

- (a) The proposal to deny an initial or standard license.
- (b) The proposal to close a preschool program or revoke an existing license, be it provisional or a continuous license.
- (c) The proposal to deny a continuous license at the expiration of a provisional license.

(3) A request for an administrative hearing pursuant to Chapter 119. of the Revised Code and Chapter 5180:2-20 of the Administrative Code will be submitted to DCY, and will be considered to have been made as of the date received.

(Q) What may cause DCY to deny an application or to revoke a preschool license?

DCY may deny or revoke a preschool license if the applicant or licensee:

- (1) Knowingly makes a false statement on the application.
- (2) Does not comply with the requirements of this chapter of the Administrative Code and sections 3301.52 and 3301.59 of the Revised Code.
- (3) Has pleaded guilty or been convicted of an offense described in section 3301.541 of the Revised Code.
- (4) Has a maximum annual accumulation of points for licensure violations, as determined by DCY.

(R) What is the waiting period for a program or fiscal agent of the program whose license is revoked or not renewed by DCY?

If DCY revokes a license or refuses to renew a license, the program or fiscal agent shall not be issued a license within two years from the date of revocation of a license or refusal to renew a license.

(S) Which DCY licensing actions, ministerial in nature, are not subject to administrative hearing?

- (1) Those licensing actions that are of an administrative nature will not be afforded the right to an administrative hearing. These actions include rejection of any application for licensure for procedural reasons such as, but not limited to, incomplete submission, use of an invalid form, failure to make information available to DCY, or failure to make information available during an inspection.

(2) The preschool program license will be closed by DCY without hearing rights afforded by Chapter 119. of the Revised Code if:

(a) At the end of twelve months, the preschool program has not requested in the Ohio statewide licensing system to reinstate the license.

(b) At the end of twelve months, the preschool program is not able to be re-opened.

(c) A preschool program fails to enroll children for twenty-four months and refuses to voluntarily permanently close the program.

(T) What is a licensing inspection non-compliance?

(1) A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings.

(2) Non-compliance findings vary depending on the potential to lead to a risk of harm to a child and are observable and/or based on facts. Moderate and serious risk non-compliances are assigned point values and the annual accumulated points may result in DCY licensing or SUTQ actions pursuant to section 5104.29 of the Revised Code.

(U) What license violations are considered as moderate risk non-compliances (MRNC)?

The following are identified as moderate risk non-compliances of a license due to the increased risk of harm to children and are worth three points each:

(1) Failure to obtain or maintain a food service license due to violations or serving food without a food service license.

(2) Failure to complete a fire inspection or failure to request a fire inspection update at least 30 days prior to expiration.

(3) The preschool exceeds room or building occupancy or the preschool cares for children in a space not approved for use or for the age group.

(4) Current background checks or fingerprints are not submitted for required employees or preschool staff members. Director, employee, or preschool staff member are engaged in assigned duties or near children without preliminary approval or background check on file or in the Ohio professional registry (OPR). Expired background check is not updated.

- (5) Unsafe indoor or outdoor space, including but not limited to, hazardous outdoor equipment, lack of protective surfacing on the playground, or outdoor play space not well-defined to protect children from traffic, animals, or other hazards.
- (6) Unsafe environment and equipment where the preschool did not protect children from unsafe items, conditions, or situations, including but not limited to, chemicals or equipment, space heaters, missing mats under indoor climbing equipment, medication or alcohol accessible on the premises while children are present.
- (7) Group size and ratio violations, including but not limited to, the preschool program is out of ratio or exceeds license capacity.
- (8) Supervision violations, including but not limited to, a child is left unattended inside of facility or building, staff use of prohibited discipline techniques, staff member is asleep or under the influence of substance which impairs their ability to supervise children who are present, children are asleep on unapproved floor of the building.
- (9) Sleeping and napping violations, including but not limited to, a child is placed in a crib with an object that poses suffocation or strangulation risk, stacked cribs are used or cribs are unsafe, something other than a crib is used for sleeping or napping, and an infant is sleeping in an unsafe position without written physician permission on file.
- (10) Meal preparation and nutritional requirement violations, including but not limited to, a child is in attendance more than four hours without being offered a meal.

(V) What license violations are considered as serious risk non-compliances (SRNC)?

The following are identified as serious risk non-compliances of a license due to the great risk of harm to children and are worth six points each:

- (1) Child is left unattended outside of facility/building.
- (2) Transportation policies are not followed.
- (3) Falsified information is submitted to DCY.
- (4) Preschool staff members fail to report suspected child abuse or neglect as required pursuant to section 2151.421 of the Revised Code.
- (5) Medication is dispensed to the wrong child or the wrong dosage is administered.

- (6) Substantiated public children's services agency (PCSA) finding of abuse or neglect for any preschool staff member.
- (7) An employee or preschool staff member refuses to be fingerprinted and remains employed, or an individual remains employed when they are not eligible for employment.
- (8) Swimming activity takes place without a lifeguard on duty or a lifeguard is used to count in the staff to child ratio, swimming site is accessible to children without staff supervision, or swimming activity takes place in a lake, pond, or river.
- (9) Weapons or ammunition are on the premises without prior approval.
- (10) DCY or its representatives are denied access to conduct a compliance inspection pursuant to Chapter 5180:2-20 of the Administrative Code.
- (11) Child(ren) are not protected from harm which resulted in a serious incident or injury.
- (12) Illegal drugs on the premises.

(W) What DCY actions could occur when a serious risk non-compliance occurs?

Any serious risk non-compliance described in, but not necessarily limited to this rule, as reviewed by DCY at its discretion may result in any of the following:

- (1) Denial of a license application or approval for a non-expiring or continuous license.
- (2) Revocation of a license.
- (3) Reduction or removal of a quality rating under the SUTQ program.
- (4) Loss of funding.

(X) What is a serious incident?

The following are identified as serious incidents:

- (1) Death of a child at the preschool program.
- (2) An incident, injury, or illness that requires professional medical consultation or treatment for a child.

(3) An unusual or unexpected incident which jeopardizes the safety of a child or employee of the program.

(4) An incident defined as a SRNC as indicated in paragraph (V) of this rule.

(Y) What is the preschool required to do if there is a serious incident or SRNC?

(1) The preschool shall report the serious incident, as defined in paragraph (X) of this rule, or SRNC, as described in paragraph (V) of this rule, by the next business day in the Ohio statewide licensing system.

(2) This notification does not replace mandatory reports of suspected child abuse or neglect required by section 2151.421 of the Revised Code.

(3) The preschool may print the completed serious incident report in the Ohio statewide licensing system and give to the parent to meet the parent notification requirements of rule 5180:2-20-07 of the Administrative Code.

(4) If a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records are to accompany the child. The director, administrator or a preschool staff member is to stay with the child until the parent assumes responsibility for the child's care.

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5180:2-20-03

Program.

(A) What is the purpose of the written preschool philosophy and goals?

A written philosophy and goals shall give direction to the preschool program and shall provide a basis for daily operation that shall address the needs, interests, and abilities of each child through quiet and active play.

(B) What are the curriculum requirements for a preschool program?

A written curriculum shall be adopted which describes:

(1) Developmentally appropriate activities, learning environment, and approaches which meet the individual needs of the children.

(2) Alignment at the domain level to the early learning and development standards adopted by the state board of education.

(C) What elements are to be included in the preschool program's daily schedule?

The preschool program's daily schedule for each age group shall include a balance of both quiet and active play, throughout the day which shall meet the intellectual, physical, social, and emotional needs of each child through indoor and outdoor activities. The written daily schedule shall be reflected in actual observation of the program.

(D) When is a nap/rest period required in a preschool daily schedule?

A preschool program serving preschool children for more than five hours per day shall have a nap/rest period reflected in the daily written schedule. Nap/rest periods shall not exceed one and one-half hours.

(E) What are the sleeping and napping requirements for a preschool program?

The preschool is to comply with rule 5180:2-12-20 of the Administrative Code.

(F) When are child progress reports to be reviewed, reported, and shared with parents?

Children's developmental progress shall be reviewed and reported to parent(s) at established intervals. All reporting shall be according to the established procedures of the program's governing body. A conference involving the teacher and parent shall be held at least twice a year.

(G) How are preschool program policies and procedures to be communicated to parents?

The preschool program shall have on file and provide to each parent a parent handbook that will:

- (1) Encourage parental participation and keep parents informed about the preschool program's operations, services and policies.
- (2) Notify parents of early and periodic screening, diagnosis and treatment (EPSDT) as well as developmental screening services available under the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) at 20 U.S.C. 1400 et seq.
- (3) Include information to advise parents how to obtain copies of inspection reports of the preschool and how to file a complaint with the department of children and youth (DCY).

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5180:2-20-05

Facility.**(A) Where should a preschool program be located?**

The preschool shall be located in a safe and convenient facility and space that accommodates the enrollment, supports child growth and development according to program objectives, and meets the requirements of section 3301.55 of the Revised Code. The space shall be for the exclusive use of the children enrolled in the preschool program when that program is in session.

(B) What are the fire inspection requirements for a preschool program?

The preschool shall provide written documentation of an annual fire inspection of the facility. Annually means within twelve calendar months of the previous fire inspection.

(C) What are the indoor space requirements for a preschool program?

The indoor space shall include not less than thirty-five square feet of usable, wall-to-wall floor space for each child.

- (1) Such floor space shall not include hallways, kitchens, storage areas, or any other areas not designated for the care of children.
- (2) Bathrooms shall be included only if they are used exclusively by children enrolled in the preschool when the program is in session.
- (3) Square footage, as detailed in section 3301.55 of the Revised Code, shall determine the maximum capacity or number of children that may be served in the space. Maximum group size shall not exceed the maximum capacity in any given space.
- (4) Spaces meeting the required square footage per child may be defined by barriers to serve more than one class/group of children. Barriers shall be at least thirty-six inches in height, may be permanent or nonpermanent walls, bookcases, partitions or some similar device used to define the area.
- (5) Electrical outlets are to be covered when not in use unless documentation is on file that the outlets are tamper resistant.
- (6) The preschool is to be cleaned daily and kept in a sanitary condition at all times. Cleaning and sanitizing is not to take place while rooms are occupied by children, except for general cleanup activities such as sweeping, vacuuming, mopping and wiping off tables which are part of the daily routine.
- (7) Smoking is prohibited on the premises.

(8) The public may use areas such as entry ways, hallways, bathrooms, and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.

(9) A working phone and a backup form of communication will be within, or immediately accessible, to the preschool's primary space and accessible to staff at all times. A preschool staff member will be available to parents by phone during hours of program operation. Phone numbers for emergency services that may be locally appropriate will be posted in a visible location readily accessible to the appropriate preschool staff member in the area. Backup forms of communication may include, but are not limited to, email, text messaging services, or an additional phone.

(D) What are the play space requirements for indoor and outdoor gross motor play?

Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use. Additionally, play spaces comply with the following:

(1) The surface of the outdoor play space shall offer protection from falls and shall be well drained.

(2) The play space, including both indoor and outdoor play space, shall be free of hazards such as, but not limited to, chipped and peeling paint containing lead, mold, peeling plaster, holes in the walls, broken glass, potholes, garbage, flammable materials and other debris. Equipment and furniture must be without sharp corners, splinters, or loose and/or peeling paint containing lead. Corrective action will be issued for any loose and/or peeling paint that may contain lead.

(3) The play area shall be well defined to protect children from traffic, animals, or other hazards.

(4) Child staff ratios are maintained at all times in accordance with rule 5180-37-04 of the Administrative Code or this chapter.

(5) Groups of children are supervised when traveling to and from the play area.

(6) For outdoor space, the preschool program is to provide sun protection for all children and protect children under six months from any direct exposure to the sun.

(E) What are the requirements for play spaces used by a preschool program that are regulated by another state or local agency?

On-site or off-site play areas that are regulated by another state or local agency are exempt from the Ohio department of children and youth (DCY) requirements for outdoor spaces, playground equipment, and fall zones. Preschools are to protect children from harm while using these exempted play areas, including but not limited to, protection from traffic and animals; preventing child access to bodies of water; limiting direct sun exposure for infants; and providing sun protection for all children.

(F) What are the swimming and water safety requirements for preschool programs?

Swimming pools, wading pools, and other swimming/wading sites shall be made inaccessible to the children when not in use. Additionally, swimming pools, wading pools, and other swimming/wading sites have the following requirements:

- (1) Wading pools are filtered or emptied daily. Portable wading pools are sanitized daily or more often, if needed.
- (2) Preschool staff members supervise children at all times while a wading pool is in use and preschool staff members are able to clearly see all parts of the wading area.
- (3) There is one lifeguard or water safety instructor certified by the American red cross or an equivalent water safety program present for every thirty-five children when children are involved in a water activity over eighteen inches in depth. If the lifeguard is a staff member, the lifeguard does not count in the staff/child ratio and additional staff would be needed in this scenario.

(G) What are the infant and toddler space requirements for the preschool program?

Infants and toddlers shall be provided space apart from their sleeping quarters so that each child is allowed to sit, crawl, toddle or walk, and play safely and comfortably according to his/her stage of development.

(H) What are the building and fire approval requirements for infants and non-ambulatory children eighteen months of age or older?

Infants and non-ambulatory children eighteen months of age or older shall receive care in rooms approved for that use by local building, fire officials, and DCY prior to use.

(I) Where are cribs to be located within the infant area of a program?

Cribs are to be separated from infant play space by a safe and sturdy physical barrier which does not impair the ability to supervise infants by sight and hearing and

provides for safe accessibility. Sight and hearing is not impaired when the preschool staff can see the infants in and out of their cribs and hear their sounds.

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5180:2-20-06 Equipment and supplies.**(A) How are preschool spaces to be equipped?**

Indoor and outdoor play space shall contain furniture, materials and equipment of appropriate size and type to meet the intellectual, physical, social and emotional needs of the preschool children enrolled in the preschool program. Material and equipment shall be:

- (1) Maintained in a safe and sanitary condition.
- (2) Provided in quantities proportionate to the enrollment.

(B) What are the safety and sanitation requirements for preschool furniture, materials, and equipment?

Furniture, materials and equipment shall meet the safety and sanitation requirements of rule 5180:2-12-12 and rule 5180:2-12-13 of the Administrative Code. The following requirements shall also be met:

- (1) Protective mats shall be placed under climbers.
- (2) General-use trampolines, ball pits, and inflatable play equipment intended for climbing and bouncing, including but not limited to slides and bounce houses, shall not be permitted for use in the preschool program. Individual-use, personal-sized therapy trampolines no larger than forty-eight inches in diameter may be used by children under direct supervision.
- (3) Space heaters shall not be used in any preschool program unless approved in writing by the building and/or fire official having jurisdiction in the area.
- (4) If electrical fans are used, they shall have protective coverings; shall not be easily tipped over; and shall be placed so that they are not hazardous to children.
- (5) Cleaning and sanitizing supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances are to be stored in a designated area in their original containers and/or clearly labeled.
- (6) Safe handling and storage of hazardous materials and the appropriate disposal of bio-contaminants comply with the following:
 - (a) Blood spills are treated cautiously and decontaminated promptly. Disposable gloves are to be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.

- (b) Surfaces contaminated with blood or bodily fluids containing blood are first cleaned with hot, soapy water and then sanitized with an appropriate bleach solution which is prepared on a daily basis according to product guidelines, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.
- (c) The disposal of materials that contain blood are done by the use of a sealable, leakproof plastic bag or by double bagging in plastic bags that are securely tied.
- (d) Non-disposable items, such as clothing that contains blood, is placed in a sealable, leakproof plastic bag or are double bagged in plastic bags that are securely tied and sent home with the child.
- (e) The disposal of sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes, is done by way of a disposable container called a "sharps container." This is a container made out of durable, rigid material which safely stores the lancets or syringes until the parent can take them home for disposal. Sharps containers are to be stored out of the reach of children.

(C) How are preschool play equipment and materials to be arranged?

Play materials to be used in the preschool shall be arranged so that children may select, remove, and replace play materials with minimal assistance.

(D) What are the first-aid supply requirements for a preschool program?

Adequate and sufficient first-aid supplies shall be readily available at all times the preschool is in operation, including on field trips. This includes, at a minimum, band-aids, gauze squares, adhesive tape, an instant ice pack, disposable non-latex gloves, and a working digital thermometer. First-aid kit supplies are to be reviewed and replaced regularly by a staff member.

(E) What are the cot or mat requirements for children in the preschool?

One cot or mat shall be available for each child who remains more than five consecutive hours in the preschool program.

- (1) Each cot or mat, with individual bedding, shall be labeled in some manner as to who is assigned to use the cot and shall be for the exclusive use of each child between sanitation procedures.

(2) Cots, mats, and individual bedding shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.

(3) Cots and mats are to comply with rule 5180:2-12-20 of the Administrative Code.

(F) What are the crib sleeping requirements for infants in a preschool program?

(1) Cribs shall be provided in accordance with all of the following:

(a) Cribs shall meet the United States consumer product safety commission (CPSC) safety standards in accordance with 16 C.F.R. 1219.1 to 1220.2 (June 2011, cpsc.gov).

(b) A crib shall be assigned only to children less than thirty-five inches tall. Children over thirty-five inches tall shall be assigned to use a cot. A child that can climb out of a crib is to be assigned to a cot or mat.

(c) Each infant shall be provided with a separate crib.

(i) There shall be one crib available which meets the requirements of this rule for each infant.

(ii) Each crib shall be labeled with each infant's name who is assigned to use the crib and shall be for the exclusive use of said child between sanitation procedures. Cribs shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.

(d) Cribs shall be spaced apart from each other by a minimum of two feet on all sides. A corner wall at the end of a crib may meet this requirement as long as staff have access to the infant on one side, at a minimum.

(e) Cribs are not stacked.

(f) The space between the mattress and the side of the crib or the end panels of the crib shall not exceed one and one-half inches.

(g) Each crib mattress shall:

(i) Be securely covered with a waterproof material which is not dangerous to children.

(ii) Have only a clean bottom crib sheet which is changed at least weekly or more often as necessary. The sheet shall be changed whenever another child uses the crib.

(2) The program shall promote safe infant sleep by ensuring the following:

(a) All preschool programs are to comply with the Ohio department of children and youth (DCY) infant safe sleep procedures.

(b) Infants shall be placed in their cribs for sleeping and shall not be allowed to sleep in car seats, swings, mesh cribs, playpens, bassinets of any type, or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib, written permission shall be obtained and updated every six months from a physician and be kept on file for review.

(c) No blankets shall be in the crib for infants under twelve months old. A one-piece sleeper or wearable blanket is permitted. Only children who are not yet able to roll-over are permitted to be swaddled using a wearable swaddling blanket.

(d) Infants are not placed in cribs with bibs or any other items which could pose a strangulation or suffocation risk. This includes, but is not limited to, bumper pads, teething necklaces, pacifier ribbons, stuffed animals, and toys.

(e) Infants under twelve months old are placed on their backs to sleep unless the parent provides written authorization on the DCY 01235 "Sleep Position Waiver Statement for Child Care" or an equivalent document. Either format of this written authorization is to be signed by the child's physician. The DCY 01235 (or equivalent) is to be maintained on file for review and is valid for one year. Infants who are able to roll from back to front and front to back are to be placed initially on their back for sleeping but allowed to remain in a position they prefer.

(G) What are the potty chair requirements for children in the preschool program who are toilet learning?

Potty chairs shall be provided in accordance with all of the following:

(1) Potty chairs shall not be located in areas used for food preparation or serving or in areas not normally used for diaper changing or toileting.

- (2) Potties shall be emptied, cleaned, disinfected, and rinsed with water after each use. The rinsing solution shall be disposed of into a toilet, not a sink.
- (3) Disposable cloths used for cleaning potties shall be used once and disposed of in a plastic-lined covered receptacle. Reusable cloths shall be stored in an appropriate germicidal solution and held for laundering for no longer than one day.

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5180:2-20-07 **Policies and procedures.****(A) How is the preschool program to be governed?**

The preschool program shall be guided by written policies of the board of education or governing body which are consistent with applicable statutory requirements contained in the Revised Code and rules adopted by the Ohio department of children and youth (DCY).

(B) When is the preschool program to develop operating policies and procedures?

Once a preschool program has been established by the board of education or governing body, the preschool is to develop policies and procedures for the operation of the program. Policies and procedures of the preschool program shall be established and approved by the governing body or board of education.

(C) Who is responsible for implementing policies and procedures?

Each school district, educational service center, board of developmental disabilities, community school or eligible nonpublic school that operates a preschool program shall assign responsibilities for implementing policies and procedures.

(D) What policies and procedures are to be developed and maintained for the preschool program?

Policies and procedures shall be appropriate for children enrolled in the preschool program shall at a minimum include, but not be limited to, the following:

(1) Staffing, which at a minimum meets the requirements of rule 5180-37-04 of the Administrative Code or this chapter; and addresses staff awareness of each enrolled child's cumulative and health records required in rule 5180:2-20-08 of the Administrative Code.

(2) Child cumulative records which at a minimum meets the requirements of rule 5180:2-20-08 of the Administrative Code;

(3) Developmentally appropriate program planning which at a minimum meets the requirements of rule 5180:2-20-03 of the Administrative Code and:

(a) Addresses developmentally appropriate materials and equipment.

(b) Addresses selection and use of developmentally appropriate materials, equipment, and resources that meet the intellectual, physical, social, and emotional needs of the preschool child.

(4) Health and safety procedures, in accordance with section 3301.56 of the Revised Code, and the following:

(a) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health and safety resources for children, as evidenced by but not limited to:

(i) Requiring immunization records and compliance with emergency medical authorization requirements in accordance with rules adopted by DCY under section 3301.53 of the Revised Code.

(ii) Adopting and following an emergency preparedness and response plan (EPRP).

(a) The EPRP is to include procedures that will be used to prepare for and respond to the following types or emergency or disaster situations:

(i) Written security plan that ensures access to the program is limited to parents and guardians of children in care and authorized persons.

(ii) Medical or dental emergencies, including emergency transportation.

(iii) Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms, or earthquakes.

(iv) Emergency outdoor or indoor lockdown due to threats of violence which includes active shooter, bioterrorism, or terrorism.

(v) Emergency evacuation and relocation procedures due to hazardous materials and spills, gas leaks or bomb threats; or due to threats of violence which include active shooter, bioterrorism, or terrorism.

(vi) Outbreaks, epidemics, or other infectious disease emergencies.

(vii) Loss of power, water, or heat.

(viii) Other threatening situations that may pose a health or safety hazard to children in the preschool.

(b) The EPRP is to include details for:

(i) Emergency numbers for medical, dental, and transport-related emergencies, in addition to 9-1-1.

(ii) Shelter in place or evacuation, how the preschool will care for and account for the children until they can be reunited with the parent.

(iii) Assisting infants, toddlers, and children with special needs and/or health conditions.

(iv) A designated safe site where staff and children can safely relocate and remain when evacuated.

(v) Reunification with parents.

(A) Emergency contact information for the parents and the preschool.

(B) Procedures for notifying and communicating with parents regarding the location of the children if evacuated.

(C) Procedures for communicating with parents during loss of communications, no phone or internet service available.

(vi) The location of supplies and procedures for gathering necessary supplies for staff and children, if required to shelter in place.

(vii) What to do if a disaster occurs during the transport of children or when on a field trip or routine trip.

(viii) Making the EPRP available to all preschool staff members and employees.

(ix) Training of staff or reassignment of staff duties as appropriate. Ensures that all preschool staff have initial training and annual reviews of the EPRP.

- (x) Updating the EPRP on a yearly basis.
 - (xi) Contact with local emergency management officials.
- (c) If the program has adopted a written safety plan in accordance with section 5502.262 of the Revised Code and filed it with the Ohio school safety center, that plan will meet the EPRP requirements of this paragraph. The plan is a security record and exempt from public disclosure. DCY will accept documentation from the director that the plan is on file with the Ohio school safety center.
- (iii) Providing and posting public instructions for emergency situations, including fire drills, rapid dismissals, and tornado drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals.
- (iv) Posting medical and dental emergency procedures in each preschool room and by each telephone and making such available to school personnel, children, and parents.
- (v) Posting emergency phone numbers readily in view in each preschool room and other spaces used by the children.
- (vi) Supervising grounds, play areas, and other facilities when scheduled for use by children.
- (vii) Procedures for providing written notification to parents on the day of the injury/incident, when a child is injured or a serious health/safety incident occurs.
- (b) Providing first-aid facilities and materials. First aid kit supplies will be readily available at all times the preschool program is in operation and taken on all field trips. First-aid kits are to meet the requirements in rule 5180:2-20-06 of the Administrative Code.
- (c) Fluoride supplements to be administered in accordance with section 3701.136 of the Revised Code.
- (d) Prior to administering a prescription or nonprescription medication, food supplement, or medical food, the preschool program shall ensure that:
 - (i) The written instructions of a licensed physician or licensed dentist as appropriate are on file.

- (ii) Each time medication, medical food, or a food supplement is administered, a written record or log including dosage, date, and time shall be made. That record or log shall be kept on file for one year.
 - (iii) Only employees who are health professionals or who have completed a drug administration training may administer medication pursuant to section 3313.713 of the Revised Code.
 - (iv) Medication shall be stored in a designated locked storage place, except drugs requiring refrigeration shall be kept in a refrigerator not accessible to children. Emergency medication may be kept in an unlocked storage place as long as it is out of reach of children.
 - (v) Parent permission is needed for the application of topical products and lotions and is to be applied according to the manufacturer's instructions. Parent permission is not required for lip balm use or for using hand sanitizer with children older than twenty-four months.
- (e) All preschool staff members shall wash their hands with soap and running water after each diaper change, or after assisting a child with toileting; after cleaning; after toileting; before preparing or eating food; before feeding any child; and when hands have been in contact with nasal or mucous secretions. Disposable towels or an air hand dryer shall be available at all times.
- (f) Preschool program with swimming and water play activities in bodies of water two or more feet in depth, shall:
 - (i) Have written permission from the parent or guardian of a child before the child shall be permitted to swim or otherwise participate in water play activities. the written permission shall be signed and dated, and shall include the following:
 - (a) The child's name.
 - (b) A statement indicating whether or not the child is a swimmer.
 - (c) That the parent or guardian grants permission for the child to participate in water activities.
 - (ii) The preschool program shall provide enough preschool staff members to meet the requirements of rule 5180-37-04 of the Administrative

Code or this chapter at all times during swimming and water play activities.

(g) For swimming activities at sites other than the preschool program location, the preschool program shall:

(i) Have preschool staff members that always accompany and supervise children at swimming sites, including, but not limited to, public or private swimming pools.

(ii) Ensure that swimming sites are approved and supervised by local authorities.

(iii) Ensure that activities in bodies of water eighteen inches in depth shall be supervised by persons who are currently certified as lifeguards or water safety instructors by the American red cross or an equivalent water safety program.

(iv) Provide enough preschool staff members to meet the requirements of rule 5180-37-04 of the Administrative Code or this chapter at all times during swimming and water play activities.

(5) Admission and attendance which at a minimum meets the requirements of:

(a) Supervising each child's admission, placement, transition, and withdrawal according to established procedures.

(b) Preparing at least once annually for each group of children in the preschool program a roster of the name and telephone number of the child and of the child's parent and, on request, furnishing the roster for each parent.

(c) Preparing a similar roster of all children in the preschool program and, on request, make it available to each parent with a child in the program.

(i) Securing from each parent a signed statement indicating whether such individual desires to be included in rosters prepared in accordance with this paragraph.

(ii) Ensuring that a roster is not furnished to any person other than a parent.

(6) Child guidance which, at a minimum, meets the requirements of rule 5180:2-20-10 of the Administrative Code;

(7) Management of communicable diseases and safety which, at a minimum, include:

(a) Staff training in age-appropriate first aid and cardiopulmonary resuscitation (CPR) in accordance with rule 5180-37-04 of the Administrative Code or this chapter.

(b) Staff training in child abuse recognition and prevention in accordance with rules 5180-37-04 and 5180:2-20-10 of the Administrative Code and this chapter.

(c) Diapering, which at a minimum meets the requirements of rule 5180:2-20-12 of the Administrative Code.

(8) Transportation and field trips.

(9) Safe infant sleep and crib safety which, at a minimum, meets the requirements of rule 5180:2-20-06 of the Administrative Code.

(E) Are parents permitted unlimited access to the preschool program?

Any parent of a child enrolled in the preschool shall be permitted unlimited access to the school during its hours of operation to contact his or her child, evaluate the care provided by the program, the premises, or for other purposes approved by the director. Upon entering the premises, the parent shall report to the preschool office.

(F) What are the requirements for a preschool program serving a preschool child with a disability?

A preschool program serving a preschool child with a disability in a public school shall do so in accordance with Chapter 3301-51 of the Administrative Code.

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5180:2-20-08

Child information.**(A) What child immunization information is to be provided to the preschool program?**

- (1) The parent shall provide, prior to the date of admission or not later than thirty days after date of admission, and every thirteen months thereafter, a dated immunization record for enrollment in the preschool program.
- (2) The immunization record is to contain the following information:
 - (a) The child's name and birth date.
 - (b) A record of the immunizations that the child has had, specifying the month, day, and year of each immunization.
- (3) A child with a disability shall not be excluded from the preschool program for lack of an immunization record until the team responsible for the individualized education plan (IEP) or individualized family service plan (IFSP) reconvenes. Exclusion from the program until the IEP or IFSP is revised may be a denial of a free appropriate public education.

(B) What information is the preschool program to have on file for each child?

The preschool program shall secure and have on file all required information no later than the first day of attendance unless otherwise required.

- (1) The cumulative record of each child shall include but not be limited to:
 - (a) Name and date of birth.
 - (b) Name, address (home and/or business), and telephone number of parent(s).
 - (c) Names, addresses, and phone numbers of at least one person to contact in an emergency if the parent cannot be located.
 - (d) Name of persons(s) to whom the child can be released.
 - (e) Parent authorization for transportation related to the preschool program.
 - (f) Copies of any injury or incident reports.
- (2) The health record of each child shall include but not be limited to:

- (a) Physician's or dentist's authorization and written instructions to administer prescription medication, medical food, modified diet, or fluoride supplement to a child enrolled in the program.
- (b) Immunization record as required by section 3313.67 of the Revised Code.
- (c) A list of any allergies and treatment for said allergies.
- (d) A list of any prescription or nonprescription medications, food supplements, modified diets, or fluoride supplements currently being administered to the child.
- (e) A list of any chronic physical problems and any history of hospitalization.
- (f) A list of any diseases the child has had.
- (g) Names and phone numbers of physician and dentist in case of emergency.
- (h) Permission of parent for emergency medical and dental care and transportation as required by section 3313.712 of the Revised Code.

(C) What are the daily attendance requirements for preschool programs?

The preschool program will maintain daily attendance records including admission and withdrawal. Attendance may be documented in paper form or in electronic records.

(D) How are preschool programs to communicate child incidents or injuries to the child's parent?

(1) Preschool staff will complete the Ohio department of children and youth (DCY) 01299 "Incident/Injury Report For Child Care" form or an electronic equivalent version and provide to the child's parent or the person picking up the child on the day of the incident or injury if:

- (a) A child becomes ill or receives an injury which requires first aid treatment.
- (b) A child is transported in accordance with this rule to a source of emergency assistance.
- (c) A child receives a bump or blow to the head.
- (d) An unusual or unexpected incident occurs which jeopardizes the safety of a child or employee of the preschool, such as a child leaving the preschool

unattended, a vehicle accident with or without injuries or exposure of children to a threatening person or situation.

(2) If using paper versions of the form, copies of the DCY 01299 will be kept on file at the preschool for at least one year and shall be available for review by DCY.

(E) What privacy laws and regulations apply to preschool programs?

A preschool program is to comply with all applicable federal and state privacy laws including, but not limited to, the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC 1232g and its implementing regulations at 34 C.F.R. Part 99 (2012), and sections 3319.321 and 5104.038 of the Revised Code as applicable.

(F) What are the requirements for children whose living situation meets the federal definition of homelessness?

School districts with children who meet the definition of homeless children or youth under the McKinney-Vento Homeless Assistance Act, 114 Stat. 1675, 42 USC 11434a (2000) are to comply with division (F)(13) of section 3313.64 of the Revised Code.

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5180:2-20-09**School food services.**

(A) What are the food service requirements for preschool programs?

The preschool shall be in compliance with section 3717.41 of the Revised Code.

(B) What are the screen time requirements for preschool programs?

The preschool is not to allow screen time during meals and snacks.

(C) What is the requirement for preschools to serve snacks and meals?

Snacks and meals are to be served to children who attend four or more hours in accordance with all of the following:

(1) Snacks and meals served shall be of quantity, variety, and quality in accordance with required daily allowance as prescribed by the United States department of agriculture (USDA) meal patterns. If a child requires a modified diet that eliminates an entire food group, written instructions from a physician, physician assistant, clinical nurse specialist or certified nurse are to be obtained. To the extent possible, a family's preferred dietary preferences (i.e. vegetarian, vegan) should be accommodated.

(2) Reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.

(3) Offer food from each of the five basic food groups for meals. For snacks, offer food from two of the five basic food groups. The five basic food groups include items from each of the following: protein, grain, fruit, vegetable, and dairy.

(4) Parents may provide snacks and meals if they are provided with information on nutritious snack choices. Procedures are in place to ensure that a child is provided with food if a parent does not send a snack or lunch for the day.

(5) The snack shall be served during the longest period between meals.

(6) Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals and snacks to be served by the preschool program. Any substitute foods served shall be from the same basic food group and shall be recorded on the posted menu on the day the substitute food is served.

(D) What are the requirements for preschool programs to provide infant food and/or formula?

Programs shall provide infant food and/or formula in accordance with all of the following:

- (1) Infant food and/or formula provided by the parent shall be labeled with the child's name, date of preparation, and immediately refrigerated, except for unopened commercially prepared canned food or formula.
- (2) If breast milk is provided by the parent or guardian, it shall be labeled with the child's name, date expressed, date of receipt, and shall be immediately refrigerated. Formula provided by the parent shall be labeled with the child's name, the date of receipt, and immediately refrigerated. Breast milk or formula shall not be stored for more than twenty-four hours. The unused portion of formula, breast milk, or food remaining in the container from which the infant has been directly fed shall not be reheated or served a second time and shall be discarded.
- (3) Infant food and formula shall be prepared, stored, and served in a manner appropriate to the equipment use and the needs of each individual child according to the child's stage of development and in conformity with written instruction from the parent or physician in charge of the child.
- (4) Breast milk or formula shall not be heated in a microwave oven.
- (5) Food heated in a microwave oven shall be stirred or shaken during heating to avoid uneven heating.
- (6) Infants shall be held or fed sitting up, and at no time should a bottle be propped.
- (7) Programs that care for infants shall provide commercially prepared iron fortified formula to be used in the event that the parent does not provide a quantity of formula sufficient to meet the infant's daily requirement.

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5180:2-20-10**Child guidance.**(A) Who is responsible for child guidance in preschool programs?

A preschool staff member in charge of a child or a group of children shall be responsible for developmentally appropriate intervention and behavior management in accordance with the preschool program's child guidance policy.

(B) What are the procedures for child guidance in a licensed preschool program?(1) The preschool program shall have a written child guidance policy that:

- (a) Describes the preschool program's philosophy and restrictions as listed in paragraph (C) of this rule and the specific methods of child guidance used at the preschool program.
- (b) Will be on file at the preschool program for review.
- (c) Is constructive and developmentally appropriate for all children enrolled in the preschool program and includes such measures as redirection, separation from problem situations, talking with the child about the situation, and positive reinforcement for appropriate behavior.
- (d) Will apply to all persons on the premises and is to comply with this rule, section 3319.46 of the Revised Code, and rule 3301-35-15 of the Administrative Code.

(2) The preschool is to give a copy of the program's written or electronic child guidance policy to:

- (a) The parent of each child upon enrollment in the program; and
- (b) All preschool staff members for review upon employment.

(C) What are the prohibited child guidance techniques?

In addition to the restrictions outlined in rule 3301-35-15 of the Administrative Code, the following apply:

- (1) There will be no cruel, harsh, corporal punishment or any unusual punishments such as, but not limited to, punching, pinching, shaking, spanking, or biting.
- (2) Discipline will not be delegated to any other child.

- (3) No physical restraints shall be used to confine a child by any means other than a preschool staff member holding a child for a short period of time, so the child may regain control. Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of a child's body while the child is in a face-down position.
- (4) No child will be placed alone in a locked room or otherwise confined in an enclosed area.
- (5) No child will be subjected to profane language, threats, derogatory remarks about the child or the child's family, or other verbal abuse.
- (6) Discipline will not be imposed on a child for failure to eat, failure to sleep, or for toileting accidents.
- (7) Techniques of child guidance will not humiliate, shame, or frighten a child.
- (8) Discipline will not include withholding food, rest, or toilet use, and food shall not be used as a reward for behavior.
- (9) Separation will be brief in duration and appropriate to the child's age and developmental ability and the child will be within sight and hearing of a preschool staff member in a safe, lighted, and well-ventilated space.
- (10) Preschool staff members shall not abuse or neglect children and shall protect children from abuse and neglect while in attendance in the preschool program.

(D) What are the child abuse and/or neglect reporting requirements?

A staff member who has reasonable cause to suspect that a child has been abused or neglected is to immediately make a report in accordance with section 2151.421 of the Revised Code and then submit a serious incident report to the department of children and youth (DCY) through the Ohio statewide licensing system within twenty-four hours.

(E) What are the child behavior management plan requirements for preschool programs?

The preschool program is to communicate and consult with the child's parent prior to implementing a specific behavior management plan. This written plan will be consistent with this rule, any applicable individualized education program (IEP), individualized family service plan (IFSP) or 504 plan, for the child and signed by the child's parent.

(F) What are the suspension, expulsion, and removal requirements for preschool programs?

Child guidance policies and procedures shall ensure the safety, physical, and emotional well-being of all individuals on the premises. If suspension, expulsion, and removal policies exist, they are to be written in accordance with section 3313.66 of the Revised Code. When a child is expelled from the preschool program for a behavioral reason, the expulsion is to be reported to DCY in the Ohio statewide licensing system.

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5180:2-20-11**Management of communicable disease.**

(A) What are the communicable disease monitoring requirements for preschool programs?

A person trained to recognize the common signs of communicable disease or other illness will observe each child daily as the child enters a group. A person trained to recognize the common signs of communicable disease means any person trained in prevention, recognition, and management of communicable diseases as required by paragraph (D) of rule 5180:2-20-07 of the Administrative Code.

(B) What precaution is the preschool program to take when a child is suspected of having a communicable disease?

When a child is suspected of having a communicable disease:

(1) The program will immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.

(2) A child with any of the following signs or symptoms of illness will be immediately isolated and discharged to his parent or guardian:

(a) Diarrhea (three or more abnormally loose stools within a twenty-four-hour period).

(b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.

(c) Difficult or rapid breathing.

(d) Yellowish skin or eyes.

(e) Redness of the eye or eyelid, thick and purulent (pus) eye discharge, matted eyelashes, burning, itching or eye pain.

(f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with other signs of illness.

(g) Untreated infected skin patch(es).

(h) Unusually dark urine and/or grey or white stool.

(i) Stiff neck with an elevated temperature.

(j) Evidence of untreated lice, scabies, or other parasitic infestation.

- (k) Sore throat or difficulty swallowing.
 - (l) Vomiting more than one time or when accompanied by any other sign or symptom of illness.
 - (3) A child with any of the following signs or symptoms of illness will be immediately isolated from other children. Decisions regarding whether the child should be discharged immediately or at some other time during the day will be determined by the director and the parent or guardian. The child, while isolated at the program, will be carefully watched for symptoms listed in paragraph (B)(2) of this rule as well as the following:
 - (a) Unusual spots or rashes.
 - (b) Elevated temperature.
 - (4) Preschool programs will follow the posted DCY 08087 "Communicable Disease Chart" for appropriate management of suspected illnesses. The chart is to be posted in an area readily available to parents, preschool staff members, and employees and is to be displayed in the size available in the Ohio department of job and family services (ODJFS) forms central in order for individuals to easily read, identify, and respond to communicable diseases.
 - (5) A child isolated due to suspected communicable disease will be:
 - (a) Cared for in a room or portion of a room not being used in the preschool program.
 - (b) Within sight and hearing of an adult at all times. No child will ever be left alone or unsupervised.
 - (c) Made comfortable and provided with a cot/mat or crib for infants. All linens and blankets used by the ill child will be laundered before being used by another child. After use, the cots will be disinfected with an appropriate germicidal agent, or, if soiled with blood, feces, vomit, or other body fluids, the cots will be cleaned with soap and water and then disinfected with an appropriate germicidal agent.
 - (d) Observed carefully for worsening condition.
 - (e) Discharged to parent, guardian, or person designated by the parent or guardian as soon as practical.

(C) What are the written policy requirements for the management of communicable disease?

Each preschool program will have a written policy concerning the management of communicable disease. The policy will include, at a minimum:

- (1) The preschool program's means of training all preschool staff members in signs and symptoms of illness and in handwashing and disinfection procedures.
- (2) Procedures for isolating and discharging an ill child and policy for readmitting such child.
- (3) Procedures for notifying the parent or guardian immediately when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.
- (4) Procedures regarding the care of a mildly ill child. Mildly ill child means a child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule or a child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule.
- (5) Procedures for notifying all parents of enrolled children when children are exposed to a diagnosed communicable disease including, but not limited to, pink eye, ringworm, chicken pox, or lice.

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5180:2-20-12**Diapering.****(A) What are the diaper changing requirements for preschool programs?**

The changing of diapers for all non-toilet-trained children shall be handled in conformity with the following methods:

- (1) The changing of diapers for all non-toilet-trained children shall occur in a space that contains a handwashing sink. Handwashing sinks that are located elsewhere may be used if a program assures that children are safe and conditions are sanitary while toileting or being diapered.
- (2) The program shall provide disposable gloves for diapering; however, the use of gloves or hand sanitizer does not preclude requirements for proper hand washing.
- (3) If diapers are to be changed in a crib or at a central changing station, there shall be some separation material between the child and the changing surface. The material shall be discarded and replaced after each change. If the crib sheet becomes wet or soiled during the diaper change, it is to be replaced with a clean crib sheet.
- (4) If the diaper-changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent. A child is not to be left unattended on the diaper changing station.
- (5) Any product used during diaper changing on more than one child shall be used in such a way that the container does not touch the child. Any product obtained applied to a child shall be applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.
- (6) For the purpose of diapering, topical ointments and creams provided by parents shall include written instructions. Such instructions shall include the name of the ointment, cream, or lotion; name of the child; birth date of the child; date; and signature. Written instructions shall be valid for no longer than three months. Authorization for administration of the ointment, cream, or lotion may be canceled by written request of the parent at any time.

(B) How are clean diapers to be handled and stored?

Storing of clean diapers shall be handled in accordance with the following methods:

- (1) A clean supply of diapers stored in a specifically designated area shall always be available.
- (2) Diapers or clothing used during diaper changing and brought from the child's home shall be stored in space assigned exclusively for each child's belongings. Soiled clothing and/or diapers shall be sent home daily.

(C) How are soiled diapers or clothing to be handled and laundered?

Storage and laundering of soiled diapers or clothing shall be handled in accordance with the following methods:

- (1) Diapers or clothing soiled with fecal matter and sent home with a child need not be rinsed at the program facility, but may be placed directly into a container that can be sanitized or bag, sealed tightly, stored away from the rest of the child's belongings and out of the reach of children.
- (2) Soiled diapers to be disposed of or cleaned by the program shall be placed in a common plastic-lined covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the program facility should be stored in an appropriate germicidal solution until laundered.
- (3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.
- (4) Diapers to be laundered at home or by the program shall be held for laundering for no longer than one day.
- (5) Soiled disposable diapers shall be discarded daily.

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Ohio Department of Children and Youth
**SLEEP POSITION WAIVER STATEMENT
FOR CHILD CARE**

Safe Sleep Practices

Sudden Infant Death Syndrome (SIDS) is the sudden and unexplained death of an infant under one year of age. Doctors don't know what causes SIDS, but they have found some things that can make babies safer. The American Academy of Pediatrics and the National Institute of Child Health and Human Development state that one of the most important things that can help reduce the risk of SIDS is to put healthy babies on their backs to sleep. State regulations require child care centers, family child care, and in-home aides to place all infants to sleep on their back. A few babies have health or medical conditions that might require them to sleep in an alternative position. At the advice of the infant's physician, the child care program may be authorized to use an alternative sleep position for the infant due to health or medical conditions. If an infant is to be placed in the crib in any other positions than on their back, this form must be completed by the child's physician and signed by the parent.

To Be Completed by the Infant's Parent/Guardian

Name of Infant		Date of Birth
Name of Primary Care Physician		
Name of Practice		
Address		
Phone	Fax <i>(optional)</i>	Email <i>(optional)</i>
Signature of Caretaker/Parent <i>(authorizing this instruction)</i>		Date

To Be Completed by the Infant's Primary Physician

The above named infant has the following health or medical condition that necessitates an alternative sleep position	
Describe the appropriate sleep position for the above named infant	
Additional instructions	
Signature of Physician	Date
This above instruction is effective from <i>(date)</i> to <i>(date)</i>	

Ohio Department of Children and Youth
INCIDENT/INJURY REPORT FOR EARLY CARE AND EDUCATION PROGRAMS

☐ Child Care Center ☐ Family Child Care ☐ In-Home Aide ☐ School-Based Preschool Program ☐ School-Based School-Age Program			
SECTION I			
Name of program			Program number
Street address	City	Zip code	County
Is this a child who has a written medical/physical care plan on file as defined in the Ohio Administrative Code? ☐ Yes ☐ No <i>(If yes, explain in summary section)</i>			
Full name of child (first name, last name)		Child's date of birth (MM/DD/YY)	☐ Female ☐ Male
Date of incident/injury/illness		Time of incident/ injury/illness	
Name of person responsible for child at time of incident		Witness(es)	
At the time of the incident/injury/illness			
How many children were there in this child's group?		How many child care staff members were supervising the group?	
Were parents contacted? ☐ Yes ☐ No If yes, when?		Who provided first aid? ☐ Yes ☐ No Date	
How many hours is this child in your care per day? (check one) ☐ Part-time (< four hours per day) ☐ Full-time (> four hours per day)			
Age of child-group that child was assigned to at the time of the incident/injury/illness			
☐ Young Infant (Less than 12 months) ☐ Infant (12 - 18 months) ☐ Toddler (18 months - 3 years) ☐ Preschool (3 - 5 years & not in school) ☐ School Age Child (eligible for kindergarten and older)			
SECTION II			
TYPE OF INJURY (check all that apply)		BODY PART AFFECTED (check all that apply)	
☐ Bit tongue/Cheek/Lip ☐ Object Inserted into Body Part ☐ Bite-Human ☐ Puncture Wound ☐ Bite/Sting-Animal or Insect ☐ Scrape/Scratch ☐ Bump/Bruise ☐ Something in Eye ☐ Burn ☐ Stubbed Finger/Toe ☐ Choking ☐ Sunburn ☐ Cut ☐ Swelling/Redness ☐ Difficulty Breathing ☐ N/A - Incident/Illness ☐ Nosebleed ☐ Other (specify in summary)		☐ Arm ☐ Head ☐ Back ☐ Knee ☐ Chin ☐ Leg ☐ Ear ☐ Lungs/Difficulty Breathing ☐ Eye ☐ Mouth/Teeth ☐ Face ☐ Neck ☐ Fingers ☐ Nose ☐ Foot ☐ Shoulder/Collarbone ☐ Front of Trunk/Stomach ☐ Throat ☐ Genitals/Buttocks ☐ Toe ☐ Hand ☐ Whole Body	
TYPE OF ILLNESS (check all that apply) ☐ Diaper Rash ☐ Fever ☐ Stomachache/Vomiting/Diarrhea ☐ Other Illness (specify in summary section) ☐ N/A - Injury/Incident			
TYPE OF INCIDENT (check all that apply) ☐ Baby Fed Wrong Bottle ☐ Collision w/Object ☐ Fall - Walk/Run/Trip ☐ Fighting ☐ Blood or Bruise Found on Child ☐ Collision w/Person ☐ Fall to Surface ☐ N/A Injury/Illness ☐ Other (specify in summary)			
WHERE DID INCIDENT/INJURY HAPPEN? (check all that apply) ☐ Bathroom ☐ Classroom ☐ In Vehicle ☐ On Fieldtrip/Routine Trip ☐ Pool ☐ Changing Table ☐ Hall/Doorway ☐ Inside Play Area/Large Muscle Area ☐ Outdoor Play Area ☐ Stairway ☐ Crib ☐ High Chair ☐ Kitchen/Eating Area ☐ Parking Area/Driveway			
INCIDENT HAPPENED DURING? ☐ Arrival/Depart ☐ Diaper Change ☐ Naptime/Rest Period			
☐ Bus/Vehicle/During Transportation ☐ Indoor Play/Group Activities/Free Play ☐ Outdoor Play ☐ Classroom Activity ☐ Meals/Snacks ☐ Transition Between Activities			
ACTION TAKEN (check all that apply) ☐ Bandage ☐ Ice ☐ Returned to Normal Activity ☐ Body Part Elevated ☐ Pressure Applied ☐ Sent Home Early/Picked Up Early ☐ Contacted Children's Protective Services ☐ Referred for Further Medical Care ☐ Washed/Soaped ☐ Hug/Pat ☐ Rested on Cot ☐ Other (specify in summary)			
Summary of Incident/Injury/Illness (Explain, attach additional paper if needed)			Date
Print First and Last Name of Person Completing Form		Signature of Person Completing Form	Telephone Number
Person Receiving Form - Parent/Family Member (Optional - for record keeping purposes only)			Date

Incident/Injury Report Instructions

A DCY 01299 "Incident/Injury Report" must be completed when:

- A child becomes ill or receives an injury which requires any first aid treatment.

FILL IN REQUIRED SECTION I ON THE FRONT SIDE OF THIS FORM. Provide a complete description of the incident/injury/illness in the summary section (if additional space is needed, attach paper to the incident report). The person completing the form signs the report and it is provided on the same day of the incident to the parent or person picking up the child from the center/home. Request parent to sign report; however, do not delay giving report to parent if parent refuses to sign. The parent's signature is *not* required. **PLEASE BE SURE ALL SECTIONS HAVE BEEN COMPLETED.**

DEFINITIONS

Incident: An unusual event that happens that does not necessarily result in an injury to the child. A copy of the report for an incident shall be retained on file at the center or home for at least one year and shall be available for review by the Ohio Department Children and Youth or county agency.

Minor Injury: An injury resulting in a child being able to return to normal activity; basic first aid may be given by staff. A copy of the report for a minor injury shall be retained on file at the center or home for at least one year and shall be available for review by the Ohio Department of Children and Youth or county agency.

Child care providers may contact the Family and Customer Support Center toll-free at 1-844-234-5437, for technical assistance.

TO BE RESCINDED

5180-37-01 **Definitions.**

- (A) "Adult" means a person who is at least eighteen years of age.
- (B) "Advanced practice registered nurse" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under Chapter 4723. of the Revised Code.
- (C) "Alignment" means the coherence and correlation of the curriculum and assessments to standards.
- (D) "Career Pathways Model" has the same meaning as in section 5104.01 of the Revised Code.
- (E) "Class" means a group of children enrolled in the preschool program.
- (F) "Community School" has the same meaning as in section 3301.52 of the Revised Code.
- (G) "Crib" means a full sized crib or porta crib that meets the federal standards located at 16 CFR 1219.1 to 1220.2 (June 2011, cpsc.gov) and is appropriate to the size of the child.
- (H) "Curriculum" means an organized framework that describes those components of developmentally appropriate practice necessary to support optimum development and learning including the following:
 - (1) Classroom environment;
 - (2) Concepts and skills in all content areas and developmental domains;
 - (3) Learning experiences;
 - (4) Instructional strategies to help children achieve their goals; and
 - (5) Assessment processes to inform instruction to monitor progress.
- (I) "Department" means the Ohio department of education.
- (J) "Developmentally appropriate" means curriculum, instruction, environments, and age-appropriate activities that reflect the cognitive, social, and emotional level of the learner and also includes the unique abilities or characteristics of a learner or

group of learners including learners with disabilities, unique ethnic and/or cultural characteristics, and unique life experiences.

- (K) "Director" has the same meaning as in section 3301.52 of the Revised Code. In addition, "Director" means the lead teacher, elementary principal or site administrator who is the individual on-site and is responsible for supervision of a preschool program, and may be used to meet child-to-staff ratio.
- (L) "Early learning program and development standards " means the department's framework for preschool programs to address outcomes and goals considered essential for children's learning and health development as referenced in section 5104.29 of the Revised Code.
- (M) "Education Management Information System" (EMIS) is a statewide data collection system for Ohio's primary and secondary education, including demographic information, attendance, course information, financial data, and test results.
- (N) "Eligible nonpublic school" has the same meaning as in section 3301.52 of the Revised Code.
- (O) "Facility" means a building that is owned or leased and operated by the school district, educational service center, joint vocational school, career technical school, county board of developmental disabilities, community school, or eligible nonpublic school and has been approved by a municipal, township, or county or state building department for the purpose of operating a program for preschool children.
- (P) "First aid training" means a course provided by an approved health organization as determined by the department.
- (Q) "Governing body" means a board of education for a school district, an educational service center or county board of developmental disabilities; or the group of persons who have similar authority over a community school or nonpublic school program.
- (R) "Group size" means the number of children assigned to a lead teacher in a classroom.
- (S) "Hand washing facility" means a permanent-type fixture with running water (i.e. sink service) which conforms to the requirements of the "Ohio plumbing code" as established in division 4101:3 of the Administrative Code.
- (T) "Head Start" means a federally funded school readiness program for children ages birth to five from low-income families. Head start provides comprehensive services that support children's growth and development. Head start programs include licensed programs that receive head start funding as a grantee, delegate, partnership, or collaboration.

- (U) "Individualized Education Program" (IEP) means an individualized education program as developed in accordance with rule 3301-51-07 of the Administrative Code.
- (V) "Infant" means a child who is less than eighteen months of age.
- (W) "Lead teacher" means a person hired to guide and instruct a class of preschool children enrolled in the program and who may supervise the preschool program. All references to "head teacher" in Chapter 3301. of the Revised Code have the same meaning as "lead teacher."
- (X) "Non-ambulatory child" means any child who is unable to leave a building unassisted under emergency conditions; unable to walk forward or backward unassisted; unable to go up or down steps without help; and/or dependent upon mechanical aids such as crutches, walkers, and wheelchairs.
- (Y) "Ohio Professional Registry" (OPR) is an online professional development tool for Ohio's early childhood and afterschool professionals.
- (Z) "Parent, guardian, or custodian" has the same meaning as in section 3301.52 of the Revised Code.
- (AA) "Policies" mean principles governing the operation of the preschool program. Policies shall be established and adopted by the program's governing body.
- (BB) "Preschool child" has the same meaning as in section 3301.52 of the Revised Code.
- (CC) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.
- (DD) "Preschool program" has the same meaning as in section 3301.52 of the Revised Code.
- (EE) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children and who is used to meet child-to-staff ratio requirements.
- (FF) "Procedures" means an administrative course of action specified in writing.
- (GG) "Public school" means a school operated by a board of education of a city, county, exempted village, local, joint vocational school district, a county board of developmental disabilities, community school, or an educational service center governing body.

(HH) "Publicly funded" means any funding received from the department of education and/or the department of job and family services to operate a preschool program.

(II) "School-age child" means a child who is kindergarten or age six and of compulsory school age according to the entry date determined by the school district in section 3321.01 of the Revised Code.

(JJ) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(KK) "Volunteer" means an adult not counted in the child-staff ratio.

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5180-37-02 **Compliance and investigation.**

- (A) Boards of education intending to establish a preschool must demonstrate a need for a preschool program. No school district board of education, county board of developmental disabilities, educational service center, community school or eligible nonpublic school shall operate, establish, manage, conduct or maintain a preschool program, including head start, without a license issued under sections 3301.52 to 3301.59 of the Revised Code and this chapter of the Administrative Code.
- (B) "All Education Management Information System" (EMIS) reporting entities that have been issued a license to operate a preschool program are to report all preschool students being educated by the entity as outlined in section 3301.0714 of the Revised Code using guidelines established by the department.
- (C) Programs operated by a county board of developmental disabilities for children under the age of three are not required to be licensed through the department of education. Programs operated by a county board of developmental disabilities for preschool children age three and older are required to be licensed.
- (D) The requirements for the application to operate a preschool are as follows:
 - (1) Completion of an electronic application to the department.
 - (2) Submission of the application at least thirty days prior to the proposed open date and prior to children attending.
 - (3) Submission of the following documents:
 - (a) Building approval in accordance with section 3301.55 of the Revised Code.
 - (b) A current fire inspection in accordance with section 3301.55 of the Revised Code.
 - (c) A valid food license or a valid food license exemption from the local health department having jurisdiction or from the Ohio department of health.
- (E) The governing body responsible for the preschool program's operation shall be responsible for securing and maintaining a license for the facility in which the preschool program operates.
 - (1) If all the children in the program are relocated to a new facility, the governing body shall be responsible for notifying the department by completing a change

of location request at least thirty days prior to the relocation and prior to the children attending.

(a) If the new facility is not currently licensed by the department, a change of location request must be completed at least thirty calendar days prior to the relocation and prior to the children attending.

(b) If the new facility is currently licensed for the governing body by the department for preschool, the governing body is responsible for completing a change of capacity request before the existing license will be amended.

(2) An organization that will no longer be operating a preschool program is responsible for submitting a closure request to the department.

(3) A program is responsible for maintaining the services, months, days and operating hours of the program in the "Ohio Child Licensing and Quality System" (OCLQS).

(F) Programs will receive at least one unannounced on-site inspection in a twelve month period. All visits may be unannounced at the discretion of the department.

(G) Data collected during a licensing inspection may be used in other inspections conducted by the department with regard to specific program performance standards.

(H) Records and reports related to the program shall be submitted as requested by the department.

(I) Publicly funded programs must achieve a "Step Up to Quality" rating as defined under section 5104.29 of the Revised Code.

(J) The most recent written compliance reports shall remain posted in a conspicuous place near the posted program license until the next compliance report is received from the department. Inspections may be viewed online via the childcare search website. An individual may submit a written request to the department for a copy of the program's licensing record. A request for review of a licensing non-compliance may be filed with the department within seven business days of receiving a compliance report.

(K) All complaints and reports concerning the operation of programs regulated by this chapter of the Administrative Code and sections 3301.52 to 3301.59 of the Revised Code, shall be reported to the office of early learning and school readiness.

- (L) All actions of the department with respect to licensing a preschool program, refusal to license or revocation of a license, shall be in conformity with sections 3301.57 and 3301.58 and Chapter 119. of the Revised Code.
- (M) The department may deny or revoke a license in accordance with section 119.07 of the Revised Code if the applicant knowingly makes a false statement on the application, does not comply with the requirements of this chapter of the Administrative Code, or has pleaded guilty or been convicted of an offense described in section 3301.541 of the Revised Code.
- (N) If the department revokes a license or refuses to renew a license, the program or fiscal agent shall not be issued a license within two years from the date of revocation of a license or refusal to renew a license.
- (O) The following are identified as "serious risk" violations of a license due to the great risk of harm to children:
- (1) Child is left unattended inside or outside of facility/building;
 - (2) Child left unattended on a field trip or in a vehicle or, otherwise, transportation policies are not followed;
 - (3) Falsified information is submitted to the department;
 - (4) Program fails to report suspected abuse, neglect, or endangerment;
 - (5) Medication is dispensed to the wrong child or the wrong dosage is administered;
 - (6) Use of prohibited disciplinary techniques in accordance with rule 3301-37-10 and rule 3301-35-15 of the Administrative Code;
 - (7) Substantiated public children's services agency finding of abuse or neglect for any staff member;
 - (8) An employee refuses to be fingerprinted and remains employed, or a person remains employed when they are not eligible for employment;
 - (9) Swimming activity takes place without a lifeguard or a lifeguard is used to count in ratio, swimming site is accessible to children without staff supervision, or swimming activity takes place in a lake, pond, or river;
 - (10) Weapons or ammunition are on the premises without prior approval in accordance with Chapter 2923. of the Revised Code and/or are accessible to children;

- (11) The department or its representatives are denied access to conduct a compliance review pursuant to Chapter 3301-37 of the Administrative Code.
 - (12) Child(ren) are not protected from harm which resulted in a serious incident or injury.
- (P) Any serious risk violation described in, but not necessarily limited to this rule, as reviewed by the department at its discretion may result in any of the following:
- (1) Denial of a license application or approval for a non-expiring or continuous license;
 - (2) Revocation of a license;
 - (3) Reduction or removal of a quality rating; or
 - (4) Loss of funding.
- (Q) The following are identified as “serious injuries”:
- (1) Death of a child at the program;
 - (2) A child receives a bump or blow to the head that requires first aid or medical attention;
 - (3) An incident, injury, or illness that requires the school to close, 911 to be called or a child to be removed by the parent for medical treatment, professional consultation; or
 - (4) An unusual or unexpected incident which jeopardizes the safety of a child or employee of the program.
- (R) Any program with serious risk or serious injury, violations or incidents shall report the violation or incident within twenty-four hours to the department and submit a corrective action plan on the department’s request.

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5180-37-03 **Program.**

- (A) A written philosophy and goals shall give direction to the program and shall provide a basis for daily operation that shall address the needs, interests, and abilities of each child through quiet and active play.
- (B) A written curriculum shall be adopted which describes developmentally appropriate activities, learning environment, and approaches which meet the individual needs of the children and is aligned at the domain level to the early learning and development standards adopted by the state board of education.
- (C)) The program's daily schedule for each age group shall include a balance of both quiet and active play, throughout the day which shall meet intellectual, physical, social, and emotional needs of each child through indoor and outdoor activities. The written daily schedule shall be reflected in actual observation of the program.
- (D) A program serving preschool children for more than five hours per day shall have a nap/rest period reflected in the daily written schedule. Nap/rest periods shall not exceed one and one-half hours.
- (E) The program is to comply with rule 5101:2-12-20 of the Administrative Code.
- (F) Children's developmental progress shall be reviewed and reported to parent(s) at established intervals. All reporting shall be according to established procedures of the program's governing board. A conference involving the teacher and parent shall be held at least twice a year.
- (G) The program shall have on file and provide to each parent a parent handbook that will encourage parental participation and keep parents informed about the program's operations, services and policies, including notifying parents of early and periodic screening, diagnosis and treatment (EPSTD) as well as developmental screening services available under section 619 and Part C of Individuals with Disabilities Education Act (IDEA). The handbook shall include information to advise parents how to obtain copies of inspection reports of the program and how to file a complaint.

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5180-37-05 **Facility.**

- (A) The program shall be located in a safe and convenient facility and space that accommodates the enrollment, supports child growth and development according to program objectives, and meets the requirements of section 3301.55 of the Revised Code. The space shall be for the exclusive use of the children enrolled in the preschool program when that program is in session.
- (B) The program shall provide written documentation of an annual fire inspection and approval of the facility. Annually means within twelve calendar months of the previous fire inspection.
- (C) A phone shall be available while the program is in session.
- (D) The indoor space shall include not less than thirty-five square feet of usable, wall-to-wall, floor space for each child.
 - (1) Such floor space shall not include hallways, kitchens, storage areas, or any other areas not designated for the care of children.
 - (2) Bathrooms shall be included only if they are used exclusively by children enrolled in the program when the program is in session.
 - (3) Square footage, as detailed in section 3301.55 of the Revised Code, shall determine the maximum capacity or number of children that may be served in the space. Maximum group size shall not exceed the maximum capacity in any given space.
 - (4) Spaces meeting the required square footage per child may be defined by barriers to serve more than one class/group of children. Barriers shall be at least thirty-six inches in height, may be permanent or nonpermanent walls, bookcases, partitions or some similar device used to define the area.
 - (5) Electrical outlets are to be covered when not in use unless documentation is on file that the outlets are tamper resistant.
 - (6) The center is to be cleaned daily and kept in a sanitary condition at all times. Cleaning and sanitizing is not to take place while rooms are occupied by children, except for general cleanup activities such as sweeping, vacuuming, mopping and wiping off tables which are part of the daily routine.
 - (7) Smoking is prohibited on the premises.

- (8) The public may use areas such as entry ways, hallways, bathrooms, and other areas normally available for public use if such access does not constitute a risk or hazard to the health and safety of the children in care.
- (E) Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use. Additionally, play spaces comply with the following:
 - (1) The surface of the outdoor play space shall offer protection from falls and shall be well drained.
 - (2) The play space, including both indoor and outdoor play space, shall be free of hazards such as, but not limited to, chipped and peeling paint containing lead, mold, peeling plaster, holes in the walls, broken glass, potholes, garbage, flammable materials and other debris. Equipment and furniture must be without sharp corners, splinters, or loose and/or peeling paint containing lead. Corrective action will be issued for any loose and/or peeling paint that may contain lead.
 - (3) The play area shall be well defined to protect children from traffic, animals, or other hazards.
 - (4) Child staff ratios are maintained at all times in accordance with rule 3301-37-04 of the Administrative Code..
 - (5) Groups of children are supervised during the use of and traveling to and from the play area.
- (F) Infants and toddlers shall be provided space apart from their sleeping quarters so that each child is allowed to sit, crawl, toddle or walk, and play safely and comfortably according to his/her stage of development.:
- (G) Infants and non-ambulatory children eighteen months of age or older shall receive care in rooms approved for that use by local building, fire officials, and the department prior to use.
- (H) Swimming pools, wading pools, and other swimming/wading sites shall be made inaccessible to the children when not in use. Additionally, swimming pools, wading pools, and other swimming/wading sites have the following requirements:
 - (1) Wading pools are filtered or emptied daily. Portable wading pools are sanitized daily or more often, if needed.

- (2) The center supervises children at all times while a wading pool is in use and staff are able to clearly see all parts of the wading area.
- (3) There is one lifeguard or water safety instructor certified by the “American Red Cross” or an equivalent water safety program present for every thirty-five children when children are involved in a water activity over eighteen inches in depth. If the lifeguard is a staff member, the lifeguard does not count in the staff/child ratio and additional staff would be needed in this scenario.
- (l) Cribs are to be separated from infant play space by a safe and sturdy physical barrier which does not impair the ability to supervise infants by sight and hearing. Sight and hearing is when the preschool staff can see the infants in and out of their cribs and hear their sounds. The barrier provides for safe accessibility.

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5180-37-06 **Equipment and supplies.**

- (A) Indoor and outdoor play space shall contain furniture, materials and equipment of appropriate size and type to meet the intellectual, physical, social and emotional needs of the preschool children enrolled in the program. Material and equipment shall be:
- (1) Maintained in a safe and sanitary condition; and
 - (2) Provided in quantities proportionate to the enrollment.
- (B) Furniture, materials and equipment shall meet the safety and sanitation requirements of rule 5101:2-12-12 and rule 5101:2-12-13 of the Administrative Code. The following requirements shall also be met:
- (1) Protective mats shall be placed under climbers;
 - (2) Space heaters shall not be used in any preschool program unless approved in writing by the building and/or fire official having jurisdiction in the area; and
 - (3) If electrical fans are used, they shall have protective coverings; shall not be easily tipped over; and shall be placed so that they are not hazardous to children.
 - (4) Cleaning and sanitizing supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances are to be stored in a designated area in their original containers and/or clearly labeled.
 - (5) Safe handling and storage of hazardous materials and the appropriate disposal of bio-contaminants comply with the following:
 - (a) Blood spills are treated cautiously and decontaminated promptly. Disposable gloves are to be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.
 - (b) Surfaces contaminated with blood or bodily fluids containing blood are first cleaned with hot, soapy water and then sanitized with an appropriate bleach solution which is prepared on a daily basis according to product guidelines, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.

- (c) The disposal of materials that contain blood are done by the use of a sealable, leakproof plastic bag or by double bagging in plastic bags that are securely tied.
 - (d) Non-disposable items, such as clothing that contains blood, is placed in a sealable, leakproof plastic bag or are double bagged in plastic bags that are securely tied and sent home with the child.
 - (e) The disposal of sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes, is done by way of a disposable container called a "sharps container." This is a container made out of durable, rigid material which safely stores the lancets or syringes until the parent can take them home for disposal. Sharps containers are to be stored out of the reach of children.
- (C) Play materials to be used in the program shall be arranged so that children may select, remove, and replace play materials with a minimum of assistance.
- (D) Adequate and sufficient first-aid supplies shall be readily available at all times the program is in operation.
- (E) One cot or mat shall be available for each child who remains more than five consecutive hours in the program.
 - (1) Each cot or mat, with individual bedding, shall be labeled in some manner as to who is assigned to use the cot and shall be for the exclusive use of each child between sanitation procedures.
 - (2) Cots, mats, and individual bedding shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.
 - (3) Cots and mats are to comply with rule 5101:2-12-20 of the Administrative Code.
- (F) Cribs shall be provided in accordance with all of the following:
 - (1) Cribs shall meet the United States consumer product safety commission (CPSC) safety standards in accordance with 16 C.F.R. 1219.1 to 1220.2 (June 2011, cpsc.gov);
 - (2) Infants shall be placed in their cribs for sleeping, and shall not be allowed to sleep in car seats, swings, mesh cribs, playpens, bassinets of any type, or other equipment. If a medical condition exists where a child needs to sleep in

equipment other than a crib, written permission shall be obtained and updated every six months from a physician and be kept on file for review;

(3) A crib shall be assigned only to children less than thirty-five inches tall. Children over thirty-five inches tall shall be assigned to use a cot;

(4) Each infant shall be provided with a separate crib.

(a) There shall be one crib available which meets the requirements of this rule for each infant.

(b) Each crib shall be labeled with each infant's name who is assigned to use the crib and shall be for the exclusive use of said child between sanitation procedures. Cribs shall be thoroughly cleaned with an appropriate germicidal detergent and regularly sanitized before assignment for use by another child.

(5) Cribs shall be spaced apart from each other by a minimum of two feet on all sides.

(6) The space between the mattress and the side of the crib or the end panels of the crib shall not exceed one and one-half inches.

(7) Each mattress shall:

(a) Be securely covered with a waterproof material which is not dangerous to children.

(b) Have a clean bottom crib sheet and top sheet and/or blanket which is changed at least weekly or more often as necessary. The sheets and blankets shall be changed whenever another child uses the crib.

(G) Potty chairs in the program shall be provided in accordance with all of the following:

(1) Potty chairs shall not be located in areas used for food preparation or serving or in areas not normally used for diaper changing or toileting.

(2) Potties shall be emptied, cleaned, disinfected, and rinsed with water after each use. The rinsing solution shall be disposed of into a toilet, not a sink.

(3) Disposable cloths used for cleaning potties shall be used once and disposed of in a plastic-lined covered receptacle. Reusable cloths shall be stored in an appropriate germicidal solution and held for laundering for no longer than one day.

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5180-37-07 **Policies and procedures.**

- (A) The program shall be guided by written policies of the board of education or governing body which are consistent with applicable statutory requirements contained in the Revised Code and rules adopted by the state board of education.
- (B) Once a preschool program has been established by the board of education or governing body, the program is to develop policies and procedures for the operation of the program. Policies and procedures of the preschool program shall be in accordance with policies and procedures established and approved by the governing body or board of education.
- (C) Each school district, educational service center, board of developmental disabilities, community school or eligible nonpublic school that operates a program shall assign responsibilities for implementing policies and procedures.
- (D) Policies shall be appropriate for children enrolled in the program shall at a minimum include, but not be limited to the following:
 - (1) Staff, which at a minimum meets the requirements of rule 3301-37-04 of the Administrative Code; and
 - (a) Address staff awareness of each enrolled child's cumulative and health records required in rule 3301-37-08 of the Administrative Code; and
 - (b) Include procedures for checking references of potential employees.
 - (2) Cumulative records which at a minimum meets the requirements of rule 3301-37-08 of the Administrative Code;
 - (3) Developmentally appropriate program planning which at a minimum meets the requirements of rule 3301-37-03 of the Administrative Code; and
 - (a) Addresses developmentally appropriate materials and equipment;
 - (b) Addresses selection and use of developmentally appropriate materials, equipment, and resources that meet the intellectual, physical, social, and emotional needs of the preschool child.
 - (4) Health and safety procedures, in accordance with section 3301.56 of the Revised Code and, the following:

- (a) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health resources for children, as evidenced by but not limited to:
 - (i) Requiring immunization records and compliance with emergency medical authorization requirements in accordance with rules adopted by the state board of education under section 3301.53 of the Revised Code;
 - (ii) Providing and posting procedures for emergency situations, including fire drills, rapid dismissals, and tornado drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;
 - (iii) Posting medical and dental emergency procedures in each preschool room and by each telephone and making such available to school personnel, children, and parents;
 - (iv) Posting emergency numbers by each telephone;
 - (v) Supervising grounds, play areas, and other facilities when scheduled for use by children; and
 - (vi) Procedures for providing written notification to parents on the day of the injury/incident, when a child is injured or a serious health/safety incident occurs and maintaining a log of all injury/incident reports.
- (b) Providing first-aid facilities and materials.
- (c) Fluoride supplements to be administered in accordance with section 3701.136 of the Revised Code.
- (d) Prior to administering a prescription or nonprescription medication, food supplement, or medical food, the program shall ensure that:
 - (i) The written instructions of a licensed physician or licensed dentist as appropriate are on file.
 - (ii) Each time medication, medical food, or a food supplement is administered, a written record or log including dosage, date, and time shall be made. That record or log shall be kept on file for one year.

- (iii) Only employees who are health professionals or who have completed a drug administration training may administer medication pursuant to section 3313.713 of the Revised Code.
 - (iv) Medication shall be stored in a designated locked storage place, except drugs requiring refrigeration shall be kept in a refrigerator not accessible to children. Emergency medication may be kept in an unlocked storage place as long as it is out of reach of children.
 - (v) Parent permission is needed for the application of topical products and lotions and is to be applied according to the manufacturer's instructions.
- (e) All preschool staff members shall wash their hands with soap and running water after each diaper change, or after assisting a child with toileting; after cleaning; after toileting; before preparing or eating food; before feeding any child; and when hands have been in contact with nasal or mucous secretions. Disposable towels or an air hand dryer shall be available at all times.
- (f) Preschool program with swimming and water play activities in bodies of water two or more feet in depth, shall:
- (i) Have written permission from the parent or guardian of a child before the child shall be permitted to swim or otherwise participate in water play activities. the written permission shall be signed and dated, and shall include the following:
 - (a) The child's name;
 - (b) A statement indicating whether or not the child is a swimmer; and
 - (c) That the parent or guardian grants permission for the child to participate in water activities.
 - (ii) The program shall provide enough preschool staff members to meet the requirements of rule 3301-37-04 of the Administrative Code at all times during swimming and water play activities.
- (g) Swimming activities at sites other than the preschool program location, shall:

- (i) Have preschool staff members shall always accompany and supervise children at swimming sites, including, but not limited to, public or private swimming pools,.
 - (ii) Swimming sites removed from the program shall be approved and supervised by local authorities.
 - (iii) Activities in bodies of water eighteen inches in depth shall be supervised by persons who are currently certified as lifeguards or water safety instructors by the American red cross or an equivalent water safety program.
 - (iv) The program shall provide enough preschool staff members to meet the requirements of rule 3301-37-04 of the Administrative Code at all times during swimming and water play activities.
- (5) Admission and attendance which at a minimum meets the requirements of:
 - (a) Supervising each child's admission, placement, transition, and withdrawal according to established procedures.
 - (b) Preparing at least once annually for each group of children in the program a roster of the name and telephone number of the child and of the child's parent and, on request, furnishing the roster for each parent.
 - (c) Preparing a similar roster of all children in the program and, on request, make it available to each parent with a child in the program.
 - (i) Securing from each parent a signed statement indicating whether such individual desires to be included in rosters prepared in accordance with this paragraph.
 - (ii) Ensuring that a roster is not furnished to any person other than a parent.
- (6) Behavior management/discipline which at a minimum meets the requirements of rule 3301-37-10 of the Administrative Code;
- (7) Management of communicable diseases which at a minimum meets the requirements of rule 3301-37-11 of the Administrative Code; and
 - (a) In each building in which a program is operated there shall be readily available at all times at least one preschool staff member who has

completed a course approved by the state department of health (www.odh.ohio.gov):

- (i) Age appropriate first aid;
- (ii) Prevention, recognition, and management of communicable diseases;
and
- (iii) Age appropriate CPR.

(b) In each building in which a program is operated, there shall be readily available at all times at least one preschool staff member who has completed a child abuse recognition and prevention course based on an approved curriculum or an approved certification granting entity. The curriculum used in the course may be consistent with requirements as established by section 3319.073 of the Revised Code or appear on the approved curriculum or organization list posted on the department's website.

(c) Diapering, which at a minimum meets the requirements of rule 3301-37-12 of the Administrative Code.

(8) Transportation and field trips.

(9) Infants under twelve months old are to be placed on their backs to sleep unless the parent provides written documentation signed by the child's physician, for an alternative position. Infants who are able to roll from back to front and front to back are to be placed initially on their back for sleeping but allowed to remain in a position they prefer. All preschool programs are to comply with the Ohio department of health safe sleep procedures.

(E) Any parent of a child enrolled in the program shall be permitted unlimited access to the school during its hours of operation to contact his or her child, evaluate the care provided by the program, the premises, or for other purposes approved by the director. Upon entering the premises, the parent shall report to the school office.

(F) A preschool program serving a preschool child with a disability in a public school shall do so in accordance with Chapter 3301-51 of the Administrative Code.

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5180-37-08

Child information.

- (A) The parent shall provide, prior to the date of admission or not later than thirty days after date of admission, and every thirteen months from the date of examination thereafter, a medical statement affirming that the child is in suitable condition for enrollment in the program. "Prior to the date of admission" means:
- (1) For children younger than three years old at the time of admission, the examination shall occur within six months prior to the date of admission;
 - (2) For children three years old or older at the time of admission, the examination shall occur within twelve months prior to the date of admission.
 - (3) A preschool child with a disability shall not be excluded from the program for lack of a medical statement until the team responsible for the individualized education plan (IEP) established pursuant to Chapter 3301-51 of the Administrative Code reconvenes; exclusion from the program until the IEP is revised may be a denial of a free, appropriate public education.
 - (4) The medical statement shall be provided by a physician, physician's assistant, clinical nurse specialist, or certified nurse.
- (B) The program shall secure and have on file all required information no later than the first day of attendance unless otherwise required.
- (1) The cumulative record of each child shall include but not be limited to:
 - (a) Name and date of birth;
 - (b) Name, address (home and/or business), and telephone number of parent(s);
 - (c) Names, addresses, and telephone numbers of two persons to contact in an emergency if the parent cannot be located;
 - (d) Name of persons(s) to whom the child can be released; and
 - (e) Parent authorization for transportation related to the program.
 - (f) Copies of any injury or incident reports.
 - (2) The health record of each child shall include but not be limited to:

- (a) A statement signed by a licensed physician as required by paragraph (A) of this rule;
 - (b) Physician's or dentist's authorization and written instructions to administer prescription medication, medical food, modified diet, or fluoride supplement to a child enrolled in the program;
 - (c) Immunization record as required by section 3313.67 of the Revised Code, which record shall include immunizations required by section 3313.671 of the Revised Code;
 - (d) A list of any allergies and treatment for said allergies;
 - (e) A list of any prescription or nonprescription medications, food supplements, modified diets, or fluoride supplements currently being administered to the child;
 - (f) A list of any chronic physical problems and any history of hospitalization;
 - (g) A list of any diseases the child has had;
 - (h) Names and telephone numbers of physician and dentist in case of emergency; and
 - (i) Permission of parent for emergency medical and dental care and transportation as required by section 3313.712 of the Revised Code.
- (C) The program shall maintain daily attendance records including admission and withdrawal.
- (D) The program shall notify parents in writing within twenty-four hours when a child is injured and maintain a log of injury reports.
- (E) The program is to comply with the Family Educational Rights and Privacy Act (FERPA, 20 USC 1232g) and its implementing regulations at 34 C.F.R. Part 99, section 3319.321 of the Revised Code, and section 5104.038 of the Revised Code.
- (F) School districts with children who meet the definition of "homeless" under the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.) are to comply with division (F)(13) of section 3313.64 of the Revised Code.

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5180-37-09 **School food services.**

- (A) The program shall be in compliance with section 3717.41 of the Revised Code.
- (B) The program is not to allow screen time during meals and snacks.
- (C) The program shall serve snacks and meals to children who attend four or more hours in accordance with all of the following:
 - (1) Snacks served shall be of quantity, variety, and quality in accordance with required daily allowance as prescribed by the U.S. department of agriculture meal patterns. If a child requires a modified diet that eliminates an entire food group, written instructions from a physician, physician assistant, clinical nurse specialist or certified nurse are to be obtained. To the extent possible, a family's preferred dietary preferences (i.e. vegetarian, vegan) should be accommodated.
 - (2) Reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.
 - (3) A choice from two of the groups listed below must be served for snack:
 - (a) Meat/meat-equivalent group;
 - (b) Bread/bread-alternatives group;
 - (c) Milk group; or
 - (d) Fruit; or
 - (e) Vegetable group.
 - (4) Parents may provide snacks and meals if they are provided information on nutritious snack choices and procedures are in place to ensure a child is provided food if a parent does not send snack or lunch for the day.
 - (5) The snack shall be served during the longest period between meals.
 - (6) Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals and snacks to be served by the program. Any substitute foods served shall be from the same basic food group and shall be recorded on the posted menu on the day the substitute food is served.

(D) Programs shall provide infant food and/or formula in accordance with all of the following:

- (1) Infant food and/or formula provided by the parent shall be labeled with the child's name, date of preparation, and immediately refrigerated, except for unopened commercially prepared canned food or formula.
- (2) If breast milk is provided by the parent or guardian, it shall be labeled with the child's name, date expressed, date of receipt, and shall be immediately refrigerated. Formula provided by the parent shall be labeled with the child's name, the date of receipt, and immediately refrigerated. Breast milk or formula shall not be stored for more than twenty-four hours. The unused portion of formula, breast milk, or food remaining in the container from which the infant has been directly fed shall not be reheated or served a second time and shall be discarded.
- (3) Infant food and formula shall be prepared, stored, and served in a manner appropriate to the equipment use and the needs of each individual child according to his stage of development and in conformity with written instruction from the parent or physician in charge of the child.
- (4) Breast milk or formula shall not be heated in a microwave oven.
- (5) Food heated in a microwave oven shall be stirred or shaken during heating to avoid uneven heating.
- (6) Infants shall be held or fed sitting up, and at no time should a bottle be propped.
- (7) Programs that care for infants shall provide commercially prepared iron fortified formula to be used in the event that the parent does not provide a quantity of formula sufficient to meet the infant's daily requirement.

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5180-37-10 **Behavior management/discipline.**

- (A) A preschool staff member in charge of a child or a group of children shall be responsible for their discipline.
- (B) The center shall have a written discipline policy describing the center's philosophy of discipline and the specific methods of discipline used at the center. This written policy shall be on file at the center for review. Constructive, developmentally appropriate child guidance and management techniques are to be used at all times, and shall include such measures as redirection, separation from problem situations, talking with the child about the situation, and positive reinforcement for appropriate behavior. The center's written discipline policy is to comply with this rule, section 3319.46 of the Revised Code and rule 3301-35-15 of the Administrative Code.
- (C) Behavior management/discipline policies and procedures shall ensure the safety, physical, and emotional well-being of all individuals on the premises. If suspension, expulsion, and removal policies exist, they are to be written in accordance with section 3313.66 of the Revised Code.
- (D) The center's actual methods of discipline shall apply to all persons on the premises. In addition to the restrictions outlined in rule 3301-35-15 of the Administrative Code, the following apply:
 - (1) There shall be no cruel, harsh, corporal punishment or any unusual punishments such as, but not limited to, punching, pinching, shaking, spanking, or biting.
 - (2) No discipline shall be delegated to any other child.
 - (3) No physical restraints shall be used to confine a child by any means other than holding a child for a short period of time, so the child may regain control.
 - (4) No child shall be placed in a locked room or confined in an enclosed area such as a closet, a box, or a similar cubicle.
 - (5) No child shall be subjected to profane language, threats, derogatory remarks about himself or his family, or other verbal abuse.
 - (6) Discipline shall not be imposed on a child for failure to eat, failure to sleep, or for toileting accidents.
 - (7) Techniques of discipline shall not humiliate, shame, or frighten a child.

- (8) Discipline shall not include withholding food, rest, or toilet use, and food shall not be used as a reward for behavior.
 - (9) Separation, when used as discipline shall be brief in duration and appropriate to the child's age and developmental ability, and the child shall be within sight and hearing of a preschool staff member in a safe, lighted, and well-ventilated space.
 - (10) The center shall not abuse or neglect children and shall protect children from abuse and neglect while in attendance in the preschool program.
 - (11) A staff member who suspects that a child has been abused or neglected is to immediately notify the public children services agency and a serious incident report is to be completed and submitted to the department in accordance with section 2151.421 of the Revised Code.
- (E) The parent of a child enrolled in a center shall receive the center's written discipline policy. The center is to communicate and consult with the parent prior to implementing a specific behavior management plan. This plan will be consistent with this rule and in writing and signed by the parent.
- (F) All preschool staff members shall receive a copy of the center's discipline policy for review upon employment.

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5180-37-11 **Management of communicable disease.**

- (A) A person trained to recognize the common signs of communicable disease or other illness shall observe each child daily as he enters a group. A "person trained to recognize the common signs of communicable disease" means any person trained in prevention, recognition, and management of communicable diseases as required by paragraph (D) of rule 3301-37-07 of the Administrative Code.
- (B) The following precautions shall be taken for children suspected of having a communicable disease:
- (1) The program shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.
 - (2) A child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to his parent or guardian:
 - (a) Diarrhea (three or more abnormally loose stools within a twenty-four-hour period);
 - (b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
 - (c) Difficult or rapid breathing;
 - (d) Yellowish skin or eyes;
 - (e) Redness of the eye or eyelid, thick and purulent (pus) eye discharge, matted eyelashes, burning, itching or eye pain;
 - (f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with other signs of illness;
 - (g) Untreated infected skin patch(es);
 - (h) Unusually dark urine and/or grey or white stool;
 - (i) Stiff neck with an elevated temperature;
 - (j) Evidence of untreated lice, scabies, or other parasitic infestation;
 - (k) Sore throat or difficulty swallowing; or

- (l) Vomiting more than one time or when accompanied by any other sign or symptom of illness.
- (3) A child with any of the following signs or symptoms of illness shall be immediately isolated from other children. Decisions regarding whether the child should be discharged immediately or at some other time during the day shall be determined by the director and the parent or guardian. The child, while isolated at the program, shall be carefully watched for symptoms listed in paragraph (B) (2) of this rule as well as the following:
 - (a) Unusual spots or rashes; or
 - (b) Elevated temperature.;
- (4) Programs shall follow the Ohio department of health's posted "communicable disease chart" for appropriate management of suspected illnesses.
- (5) A child isolated due to suspected communicable disease shall be:
 - (a) Cared for in a room or portion of a room not being used in the preschool program;
 - (b) Within sight and hearing of an adult at all times. No child shall ever be left alone or unsupervised;
 - (c) Made comfortable and provided with a cot/mat or crib for infants. All linens and blankets used by the ill child shall be laundered before being used by another child. After use, the cots shall be disinfected with an appropriate germicidal agent, or, if soiled with blood, feces, vomit, or other body fluids, the cots shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent;
 - (d) Observed carefully for worsening condition; and
 - (e) Discharged to parent, guardian, or person designated by the parent or guardian as soon as practical.
- (C) Each program shall have a written policy concerning the management of communicable disease. The policy shall include, at a minimum:
 - (1) The program's means of training all preschool staff in signs and symptoms of illness and in hand-washing and disinfection procedures;

- (2) Procedures for isolating and discharging an ill child and policy for readmitting such child;
- (3) Procedures for notifying the parent or guardian immediately when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease; and
- (4) Procedures regarding the care of a mildly ill child. "Mildly ill child" means a child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule or a child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph (B) of this rule.
- (5) Procedures for notifying all parents of enrolled children when children are exposed to a diagnosed communicable disease such as pink eye, ringworm, chicken pox, or lice.

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5180-37-12 **Diapering.**

(A) The changing of diapers for all non-toilet-trained children shall be handled in conformity with the following methods:

- (1) The changing of diapers for all non-toilet-trained children shall occur in a space that contains a hand-washing facility. Handwashing facilities that are located elsewhere may be used if a program assures that children are safe and conditions are sanitary while toileting or being diapered.
- (2) The program shall provide disposable gloves for diapering; however, the use of gloves or hand sanitizer does not preclude requirements for proper hand washing.
- (3) If diapers are to be changed in a crib or at a central changing station, there shall be some separation material between the child and the changing surface. The material shall be discarded and replaced after each change. If the crib bedding becomes wet or soiled during the diaper change, it is to be replaced with clean bedding.
- (4) If the diaper-changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent. A child is not to be left unattended on the diaper changing station.
- (5) Any product used during diaper changing on more than one child shall be used in such a way that the container does not touch the child. Any product obtained applied to a child shall be applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.
- (6) For the purpose of diapering, topical ointments and creams provided by parents shall include written instructions. Such instructions shall include the name of the ointment, cream, or lotion; name of the child; birth date of the child; date; and signature. Written instructions shall be valid for no longer than three months. Authorization for administration of the ointment, cream, or lotion may be cancelled by written request of the parent at any time.

(B) Storing of clean diapers shall be handled in accordance with the following methods:

- (1) A clean supply of diapers stored in a specifically designated area shall be available at all times.

- (2) Diapers or clothing used during diaper changing and brought from the child's home shall be stored in space assigned exclusively for each child's belongings. Soiled clothing and/or diapers shall be sent home daily.

(C) Storage and laundering of soiled diapers shall be handled in accordance with the following methods:

- (1) Diapers or clothing soiled with fecal matter and sent home with a child need not be rinsed at the program facility, but may be placed directly into a container that can be sanitized or bag, sealed tightly, stored away from the rest of the child's belongings and out of the reach of children.
- (2) Soiled diapers to be disposed of or cleaned by the program shall be placed in a common plastic-lined covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the program facility should be stored in an appropriate germicidal solution until laundered.
- (3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.
- (4) Diapers to be laundered at home or by the program shall be held for laundering for no longer than one day.
- (5) Soiled disposable diapers shall be discarded daily.

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